1-27-87
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federal register

Tuesday
January 27, 1987

Briefings on How To Use the Federal Register—
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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2 1/2 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: January 29; at 9 am.
WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.
RESERVATIONS: Mildred Isler 202–523–3517

PORTLAND, OR

WHEN: February 17; at 9 am.
WHERE: Bonneville Power Administration Auditorium, 1002 N.E. Holladay Street, Portland, OR.
RESERVATIONS: Call the Portland Federal Information Center on the following local numbers:
Portland 503–221–2222
Seattle 206–442–0570
Tacoma 206–383–5230

LOS ANGELES, CA

WHEN: February 18; at 1:30 pm.
WHERE: Room 8544, Federal Building, 300 N. Los Angeles Street, Los Angeles, CA.
RESERVATIONS: Call the Los Angeles Federal Information Center, 213–894–3800

SAN DIEGO, CA

WHEN: February 20; at 9 am.
WHERE: Room 2S31, Federal Building, 880 Front Street, San Diego, CA.
RESERVATIONS: Call the San Diego Federal Information Center, 619–293–6030

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR 393

[OMCS Docket No. MC-124; Amendment No. 83-]

Parts and Accessories Necessary for Safe Operation; Front Wheel Brakes

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: As directed by the 99th Congress in the Commercial Motor Vehicle Safety Act of 1986, the Office of Motor Carrier Standards, FHWA, is amending the Federal Motor Carrier Safety Regulations (FMCSR) to require operational brakes on all wheels of commercial motor vehicles of over 10,000 pounds gross vehicle weight rating (GVWR) and manufactured after July 24, 1980. This action is needed to enhance the operational safety of commercial motor vehicles on the Nation's highways by establishing rules that are consistent with those of the National Highway Traffic Safety Administration (NHTSA) that govern the manufacture of new motor vehicles.

EFFECTIVE DATE: This rule is effective February 26, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Office of Motor Carrier Standards, (202) 366-2999; or Mrs. Kathleen S. Markman, Office of the Chief Counsel, (202) 366-0834, Federal Highway Administration, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 12015 of the Commercial Motor Vehicle Safety Act of 1986 (Pub. L. 99-570) (the Act) states:

> Not later than the 90th day after the date of the enactment of this title, the Secretary shall revise the regulations of the Administrator of the Federal Highway Administration contained in section 393.42(c) of title 49 of the Code of Federal Regulations to require trucks and truck tractors manufactured after July 24, 1980, to have brakes operating on all wheels. The Secretary may provide for a delayed effective date (not exceeding 1 year) for trucks and truck tractors manufactured after July 24, 1980, and before such date of enactment.

The FHWA is amending the FMCSR to require all commerical motor vehicles of over 10,000 pounds GVWR, manufactured after July 24, 1980, have operational brakes on all wheels. This action is also taken in response to a petition from the Insurance Institute for Highway Safety, dated February 4, 1986, requesting the same. A notice of proposed rulemaking (NPRM) appeared in the **Federal Register** on Thursday, July 3, 1986 (Docket No. MC-124) (51 FR 24413). The FHWA proposed to amend the FMCSR by revising the brake rule which currently allows trucks and truck tractors having three or more axles to be operated with no brakes on the front wheels. This action is needed to enhance the operational safety of commercial motor vehicles on the Nation's highways by establishing rules that are consistent with those of the National Highway Traffic Safety Administration (NHTSA) that govern the manufacture of new motor vehicles. It is the position of the FHWA that safe braking performance is more than a question of whether there are brakes on the steering axle. The design of a properly balanced, compatible braking system is much more complex and involves many factors which must be optimized to result in short stable stops under a variety of load, road, and driver training conditions. The absence of front brakes creates a major imbalance in braking as compared to the performance required by NHTSA's Federal Motor Vehicle Safety Standards (FMVSS), specifically, FMVSS 121.

The lack of front brakes increases the following:

1. The risk of drive and trailer axle wheel(s) locking, and resulting in instability (jackknife or trailer swing);
2. The stopping distance since the number of axles available to apply retarding forces is reduced by one; and
3. The demand for work on the remaining brakes. This may lead to premature brake fade on downgrades and an increase in brake wear.

Clearly, the front steering axle brakes are an essential element of a fully balanced truck braking system. Proper brake system maintenance, including maintenance of fully functional front brakes is necessary to ensure short stable stops under a variety of road and load conditions.

There were a total of 45 commenters to Docket MC-124, Notice No. 86-8. The issue raised in these comments can be categorized as follows:

1. 26 commenters supported the proposal;
2. 6 commenters addressed loss of steering ability;
3. 2 commenters addressed steering wheel pull;
4. 11 commenters addressed the feasibility of and concern regarding retrofit;
5. 6 commenters addressed front wheel limiting devices; and
6. 8 commenters addressed other miscellaneous items. The supporters of the proposed rule range from vehicle manufacturers to end users.

Loss of Steering Ability

Six commenters expressed their concerns that, at times, vehicles with brakes on the front wheels will experience instances when one or both wheels will "lock-up" when the brakes are applied. Steering wheel lock-up will cause a vehicle to continue in the same direction as the vehicle was heading at the time of the wheel lock-up. If one steering wheel locks up, greater brake force will occur on one side of the axle. The resulting unequal brake force on the steering axle will cause the vehicle to turn in the direction of the side with the greater brake force. Research reviewed or conducted by the FHWA, including results of a braking demonstration and tests sponsored by the FHWA and NHTSA at a test facility in East Liberty, Ohio, during September 1986 (51 F.R. 32115, September 9, 1986), led FHWA to conclude that stopping distances for trucks with properly operating brakes on both front wheels (the steering wheels) are shorter than the stopping distances for these same vehicles without properly operating brakes on the front wheels. Specifically, the tests conducted on low coefficient of friction surfaces at East

Liberty showed that with one front brake connected and one front brake disconnected, drivers were able to stop shorter and with better control than with no front brakes. The pull resulting from having only one brake did not cause as much of a problem as having no front brakes. This was true even with a fully loaded tractor-trailer combination (80,000 pounds) with manual steering.

Since January 1982, the State of California has required front wheel brakes on all vehicles operating in that State. California officials have reported that loss of steering control due to front wheel brakes has not been a problem in the State of California. The Commonwealth of Pennsylvania also requires that service brakes must act on all wheels upon application except the steering axle of a truck or truck-tractor manufactured before March 1975, having three or more axles. Resultant loss of steering control has not been reported to the FHWA as a problem. Consolidated Freightways, operating truck tractors having operable front brakes, has reported in excess of 600 dispatches over Donner Pass in California each month, including the winter months. Its accident records reflect that front wheel brakes do not have any adverse effect on the safe operation of its equipment.

It is the belief of the FHWA that the braking performance of a vehicle with brakes on all wheels is so greatly improved that the FHWA will require brakes on all wheels of commercial vehicles having a GVWR in excess of 10,000 pounds. No brake regulation can meet all of the various situations that may exist. However, based on the NHTSA's research, this rule provides for the best braking capability for the most situations.

Steering Wheel Pull

Only two respondents addressed the issue of steering wheel pull. One commenter strongly supported front wheel brakes while the other commenter supported some degree of front braking as desirable. The latter commenter wanted the Office of Motor Carrier Standards to be aware of the problems of brake imbalance and maintenance. Steering wheel pull, in the case of front braking means that because of a sudden grabbing action by one of the steering axle wheels due to a brake force imbalance, the driver's steering wheel suddenly shifts in that direction. This situation can be caused by improper maintenance, tire blow out, or ice, among other things. In a previous study performed by Ultrasystems, Inc., of Phoenix, Arizona, covering a 5-year time period, front tire failures resulted in an accident rate of 0.02 per million vehicle-miles.[1] The magnitude of the steering movement is dependent upon whether the failure occurs on a straightaway or on a curve. This study also showed that a tire going flat on a straightaway would easily be in the force range a driver could be expected to handle. One of the respondents operates over 49,000 vehicles. This commenter has concluded that removal of the front brakes has a potential of creating more traumatic loss of vehicle control. This respondent believes that steering wheel pull and controllability problems can be minimized through proper maintenance procedures and should not be used as an argument against adopting the proposed rule. The FHWA concurs.

Feasibility of Cost of Retrofit

Eleven comments were received specifically relating to this subject. Six commenters were opposed to a retrofit requirement. Five commenters were in favor of a retrofit for vehicles manufactured during or after 1980. In general, those opposed were against retrofit because they were against steering axle brakes or opposed because of cost and lack of proof as to public benefit.

It should be pointed out that nearly all trucks with air brakes built for the U.S. market since 1975 have an emergency brake system operated by means of the service brake control. Most of these vehicles have a "dual" or "split" air reservoir system having one side operating the front brakes and the other side operating the rear brakes. When the front brakes are disconnected, the tractor no longer has an operable modulated emergency brake system in the event of a failure in the remaining brake system. For this reason, and the reasons stated earlier in this document and in the NPRM, benefit to the public is clearly served. To our knowledge, the major brake component manufacturers in business in 1980 are still in business today, so parts availability should not be a problem. The July 24, 1980 date for retrofit was chosen because that was the effective date of the amendment to FMVSS 121 which required brakes on all axles. One commenter suggested that older vehicles that are rebuilt with glider units be required to be retrofitted also. It is felt that this would make the issue overly complex so it has not been adopted. Retrofit costs have been estimated as high as $3,000 per vehicle. This may be an accurate estimate, but it is felt that for vehicles originally manufactured with front wheel brakes (post-July 24, 1980), these costs will in actuality be much less as noted below and in the economic evaluation. In addition, the retrofit requirement is mandated by the Act and has a one-year delay in the effective date for truck and truck tractors manufactured after July 24, 1980, and before October 27, 1986. Thus, the burden of retrofit can be spread out over time and more efficiently absorbed by both the supply side and the user side.

Front Wheel Limiting Device

Six comments were received on front wheel limiting devices. Two commenters wanted a manually operated front wheel limiting device as opposed to the automatic front axle limiting device as expressly permitted in section 393.48 of the FMCSR. One commenter noted that section 393.48 specifically prohibits the use of manually adjusted limiting devices and restricts the use of automatic limiting devices to vehicles manufactured after January 1975 and suggested that a published final rule specifically call attention to the fact that drivers or carriers may not circumvent the new front wheel brake rule by the use of such a device. One commenter stated that there are times when a front wheel limiting device is beneficial and times when such a device is not beneficial. Two commenters opposed front wheel limiting devices and front axle brakes in general. The FHWA regulations permit the use of an automatic front wheel limited device to reduce front wheel braking effort (49 CFR 393.48).

The FHWA does plan to conduct more tests in this area. It is well established that 90 percent of the braking applications of an air brake system occurs at application pressures below 40 psi. Front wheel limiting devices do depower the front brakes under low pressure applications, which is where most maneuvering problems are encountered but allow the system to deliver full pressure when the driver makes a full pedal application.

Front brakes are often removed or deactivated because of the erroneous perception among some drivers that such brakes may contribute to jackknifing in panic brake applications. However, FHWA and NHTSA tests indicate that operable front brakes, in fact, reduce the likelihood of jackknifing and other vehicle instability. The FHWA believes that the 10-year experience with automatic front-wheel limiting devices and an effective education

[1] "Control of Large Commercial Vehicle Accidents Caused by Front Tire Failures," Contract No. DOT-FH-11-8562, Final Report, August 1975. A copy is available through the National Technical Information Service, Springfield, Virginia 22161.

program for drivers will help to overcome these fears and inaccurate perceptions. Although six comments were received on front wheel limiting devices, this rulemaking action does not address that issue.

With respect to brakes which have been merely disabled rather than removed, it is quite likely that old brakes which have been disconnected for quite some time will pull violently one way or the other when first reactivated. In most cases, this pull can be cured by making a few high-temperature "burn-in" runs to clean up the rust and dirt which collected during the period of brake inactivity. The FHWA is prepared to ask the manufacturers of brake components for a fact sheet to aid users in reinstalling and reactivating front brakes.

Miscellaneous

Center point steering has been suggested by one commenter as having many safety benefits for heavy commercial motor vehicles. Center point steering has been available for heavy-truck use for many years. The purpose of the design is to reduce steering effort and road shock. The center point steer front axle provides easier steering as the wheel pivots about a vertical king pin which is perpendicular to the ground. Road shocks can be transmitted more directly into the axle beam as the steering parts are located within the wheel assembly and wheel overhang.

Acceptably engineered center point steering has been on the market for over 20 years. At this time, the FHWA believes that the main issue is front wheel brakes and does not wish to address center point steering.

Another commenter pointed out that maintenance is a major issue in proper braking. The commenter's specific point was that front brakes are needed because of the increased demand placed on brakes and a general deterioration of brake maintenance. Vehicle loads (weight) and speeds are increasing. These factors do place an increased demand on braking performance. The FHWA agrees that maintenance must be considered as part of the overall system of braking. The FHWA wants all parties to know that its goal is good braking capability based on adequate and continuing maintenance of the brake system.

One commenter stated that brakes add weight and cost. It is the FHWA's position that the weight added and the increase in cost (presumably maintenance cost since front brakes are required on all new vehicles) are overshadowed by the increase in safety, both in stopping distance and controllability.

One commenter stated that front wheel brakes would be more dangerous now than in the past, because today's driver is not as professional as in earlier days. We believe there are a great number of professional drivers on the road today. We agree with the commenter's position that training and education are needed for the demands placed on today's drivers. Training and education have been and will continue to be important parts of the FHWA's approach to safety.

One commenter suggested that the retrofit requirement should be made applicable to a model year as opposed to a calendar year. However, Federal law specifically requires all vehicles manufactured after July 24, 1980, to be equipped with brakes on all wheels. It is felt that this date is easily enforceable and in addition less confusing than the use of a model year criterion.

Another commenter indicated that finding front brake parts for retrofit would be too great a burden for small to medium sized carriers. Even though truck tractors were required to be manufactured with brakes on all wheels after July 24, 1980, it is felt that a one-year grace period will allow small to medium sized carriers to meet the requirement in a reasonable and cost efficient manner.

Several commenters wanted to be furnished more information as to the reasoning behind the adoption of the rule requiring front wheel brakes. It is not possible for the FHWA to address all of these requests. However, copies of the April 15, 1986, NHTSA report entitled "NHTSA Heavy Duty Vehicle Brake Research Program Report No. 1—Stopping Capability of Air Braked Vehicles, Volume 1—Technical Report," (DOT HS 806-738) may be obtained from the National Technical Information Service, Springfield, Virginia 22161 (703-487-4650).

The FHWA has determined that this document does not contain a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation.

It is estimated that the economic impact of this rulemaking action on motor carriers will be approximately $36 million. In comparison with the overall operating costs faced by a motor carrier, the cost of complying with this regulation will not be a heavy burden. The burden imposed by this regulation will be significant for some small entities, for example the owner operator who must now budget an additional $300–$1,000 to replace the brakes that either the owner or a previous owner removed. This burden cannot be avoided. The Congress requires this regulation. The 1-year delay of the effective date places the most moderate burden on small entities that the law will allow.

For the foregoing reasons and under the criteria of the Regulatory Flexibility Act, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

For a more complete discussion of potential impacts, please refer to the Regulatory Evaluation which has been prepared and is available for inspection and copying in the docket room at the times and address provided under the heading "For Further Information Contact."

List of Subjects in 49 CFR Part 393

Highways and roads, Highway safety, Motor carriers, Motor vehicle safety, Parts and accessories.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

Issued on: January 23, 1967.

R.A. Barnhart,

Federal Highway Administrator.

In consideration of the foregoing, Title 49, Code of Federal Regulations, Subtitle B, Chapter III, Part 393 is amended as set forth below.

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

1. The authority citation for Part 393 is revised to read as follows:

Authority: 49 U.S.C. App. 2509; Pub. L. 99-570, section 12015; 49 U.S.C. 3102; 49 CFR 1.48 and 301.60.

2. Section 393.42 is revised to read as follows:

§ 393.42 Brakes required on all wheels.

(a) Every commercial motor vehicle shall be equipped with brakes acting on all wheels.

(b) *Exception.* (1) Trucks or truck tractors having three or more axles—

(i) Need not have brakes on the front wheels if the vehicle was manufactured before July 25, 1980; or

(ii) Manufactured between July 24, 1980, and October 27, 1986, must be retrofitted to meet the requirements of this section within one year from February 26, 1987, if the brake components have been removed.

(2) Any motor vehicle being towed in a driveaway-towaway operation must have operative brakes as may be

necessary to ensure compliance with the performance requirements of § 393.52. This paragraph is not applicable to any motor vehicle towed by means of a tow-bar when any other vehicle is full-mounted on such towed motor vehicle or any combination of motor vehicles utilizing three or more saddle-mounts. (See § 393.7(a)(3).)

(3) Any full trailer, any semitrailer, or any pole trailer having a GVWR of 3,000 pounds or less must be equipped with brakes if the weight of the towed vehicle resting on the towing vehicle exceeds 40 percent of the GVWR of the towing vehicle.

[FR Doc. 87-1784 Filed 1-26-87; 8:45 am]
BILLING CODE 4910-22-M

Notices

Federal Register
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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

FEDERAL COMMUNICATIONS COMMISSION

[FCC 87-33]

Fairness Doctrine Complaint Filed by Syracuse Peace Council Against Television Station WTVH

AGENCY: Federal Communications Commission.

ACTION: Order requesting comment.

SUMMARY: The United States Court of Appeals for the District of Columbia Circuit remanded this action to the Commission to address the complainant's constitutional arguments. The Commission by this Order seeks comments from all interested members of the public as well as from the parties to the adjudicatory proceeding.

DATE: Comments must be submitted on or before February 25, 1987.

FOR FURTHER INFORMATION CONTACT: Joseph McBride, Office of General Counsel, Federal Communications Commission, Washington, DC 20554, (202) 254–6530.

In re complaint of Syracuse Peace Council against television station WTVH, Syracuse, New York; *order requesting comment.*

Adopted: January 22, 1987;
Released: January 23, 1987.

By the Commission.

1. On January 16, 1987, the Court of Appeals for the District of Columbia Circuit issued its decision in the above-captioned proceeding. *See Meredith Corp.* v. *Syracuse Peace Counsel,* No. 85–1723 (D.C. Cir. Jan. 16, 1987). The Court held that the Commission correctly applied its fairness doctrine precedents in ruling on the fairness complaint against station WTVH (hereinafter "Meredith"), but concluded that the Commission acted arbitrarily and capriciously by failing to "explicitly [consider] Meredith's claim that its enforcement of the fairness doctrine against it deprives it of its constitutional rights." *Slip Op.* at 22. In this connection, the Court noted that during the pendency of the complaint proceeding, the Commission had issued its 1985 Fairness Report in which "the Commission concluded the fairness doctrine no longer meets the public interest standard of section 309 of the Communications Act," *slip op.* at 7, and in which the Commission stated "that if it were up to the Commission, it would hold the doctrine unconstitutional." *Slip op.* at 18. *See Report Concerning General Fairness Doctrine Obligations of Broadcast Licensees,* 102 FCC 2d 143 (1985). Accordingly, the Court remanded this case to the Commission with instructions to consider Meredith's constitutional arguments. *Slip op.* at 22. The Court observed, however, that "the Commission need not confront [the constitutional issue] if it concludes that in light of its Fairness Report it may not or should not enforce the doctrine because it is contrary to the public interest." *Id.; see also id.* at n. 10.

2. In conformity with the Court's decision ordering a remand in this case, the Commission hereby requests comment on whether, in light of the 1985 Fairness Report, enforcement of the fairness doctrine is constitutional and whether enforcement of the doctrine is contrary to the public interest. Although the Commission does not ordinarily seek public comment in an adjudicatory proceeding, because of the general importance of the issues in this particular case, the Commission will entertain comments from all interested members of the public as well as from the parties to this adjudicatory proceeding. Commenters who addressed these questions in Gen. Docket 84–282, our Fairness Inquiry, need not file identical comments in this case.

3. Members of the public are advised that this complaint proceeding will be conducted as a restricted proceeding in which all ex parte contacts are prohibited.

4. Accordingly, it is ordered that interested persons may file comments in this proceeding on or before February 25, 1987.

5. It is further ordered that the Secretary shall serve a copy of this Order on each party by certified mail.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Separate Statement of Commissioner James H. Quello

Re: Complaint of Syracuse Pease Council against Television Station WTVH, Syracuse, New York.

I agree with today's decision to solicit comment on whether enforcement of the Fairness Doctrine is constitutional and whether enforcement of the doctrine is contrary to the public interest.

In my separate statement to the *1985 Fairness Report,* I stated that generally the Fairness Doctrine does not further its purpose of encouraging the presentation of issues of public importance and, therefore, does not serve the public interest. *1985 Fairness Report* 102 F.C.C.2d 145, 253 (Separate Statement of Commissioner Quello). I have steadfastly believed, however, that the Fairness Doctrine was codified by the 1959 Amendments to the Communications Act. *Id.* The Commission is now confronted with two decisions from the United States Court of Appeals for the District of Columbia holding that the Fairness Doctrine is *not* mandated by statute. *Meredith Corp. v. FCC,* No. 85–1723, Slip Opinion (D.C. Cir. January 16, 1987); *Telecommunications Research and Action Center v. FCC,* No. 85–1160, Slip Opinion (D.C. Cir. September 19, 1986), *petition for rehearing en banc denied* (December 16, 1981). Because of these decisions, I believe it is appropriate to solicit comment on the Fairness Doctrine in the context of the case now before the Commission.

My preferred course of action, however, would have been to delay action here until finality is reached on the issue of whether or not the Fairness Doctrine is statutory. The issue is raised squarely in *TRAC v. FCC* and the time for filing petitions for *certiorari* has not expired. Questions regarding the statutory basis of the Fairness Doctrine are central to the Commission's ability to either eliminate or enforce the doctrine. I, therefore, believe it would have been more prudent to await final resolution of this issue.

While prudence may dictate we await final court action in the *TRAC* case before proceeding with the case now before us, I support today's decision because it merely solicits comment on the Fairness Doctrine. The Commission's *Order* does not reach the merits of the issue.

[FR Doc. 87–1772 Filed 1–26–87; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–002693–005

Title: Nacirema/Japanese Lines Terminal Agreement

Parties:

Nacirema, Inc.

Japan Line, Ltd. (Carrier)

Kawasaki Kisen Kaisha, Ltd. (Carrier)

Mitsui O.S.K. Lines, Ltd. (Carrier)

Nippon Yusen Kaisha (Carrier)

Yamashita-Shinnihon Steamship Co., Ltd. (Carrier)

Synopsis: The proposed amendment would shorten, to thirty days, the notice which the carrier parties must give to cancel the agreement.

Agreement No.:

224–002260–007

224–002261–008

224–002794–005

224–003386–005

224–003513–006

Title: Milwaukee Terminal Agreements

Parties:

Board of Harbor Commissioners, City of Milwaukee

Meehan Seaway Service, Ltd.

Synopsis: The proposed amendments would extend the above numerated agreements between the parties on a month-to-month basis while new lease agreements between the parties are negotiated.

Dated: January 22, 1987.

By order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 87–1715 Filed 1–26–87; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Carroll County Bancshares, Inc. et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than February 10, 1987.

A. **Federal Reserve Bank of Chicago** (David S. Epstein, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Carroll County Bancshares, Inc.*, Carroll, Iowa; to acquire Citizens Insurance Services, Inc., Pocahontas, Iowa, and thereby engage in general insurance activities pursuant to § 225.25(b)(8)(ii) of the Board's Regulation Y. These activities will be conducted in Pocahontas, Iowa.

2. *First Illinois Corporation*, Evanston, Illinois; to acquire First Illinois Finance Company, Northbrook, Illinois, and thereby engage in consumer finance and credit insurance activities pursuant to § 225.25(b) (1) and (8) of the Board's Regulation Y. These activities will be conducted in Florida, Georgia, Illinois, Kansas, Kentucky, Louisiana, North Carolina, Oklahoma, Texas, Virginia, Minnesota, Rhode Island, New York, Ohio, and Pennsylvania.

Board of Governors of the Federal Reserve System, January 21, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–1719 Filed 1–26–87; 8:45 am]

BILLING CODE 6210–01–M

Community Bancorp, Inc. et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than February 13, 1987.

A. **Federal Reserve Bank of Boston** (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Community Bancorp, Inc.*, Glastonbury, Connecticut; to become a bank holding company by acquiring 100 percent of the voting shares of Community National Bank, Glastonbury, Connecticut.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *FNB Corporation*, Holly Hill, South Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Holly Hill, Holly Hill, South Carolina.

C. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *Capital City Bank Group, Inc.*, Tallahassee, Florida; to acquire 100 percent of the voting shares of Gadsden National Bank, Quincy, Florida, a *de novo* bank.

2. *Enots, Ltd.*, George Town, Grand Cayman Islands; to become a bank holding company by acquiring 28 percent of the voting shares of Ocean Bankshares, Inc., Miami, Florida. Comments on this application must be received by February 11, 1987.

3. *Nebema, Ltd.*, George Town, Grand Cayman Islands; to become a bank holding company by acquiring 25 percent of the voting shares of Ocean Bankshares, Inc., Miami, Florida. Comments on this application must be received by February 11, 1987.

C. **Federal Reserve Bank of Chicago** (David S. Epstein, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Wonder Bancorp, Inc.*, Wonder Lake, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Wonder Lake State Bank, Wonder Lake, Illinois.

D. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Houston Bancorporation, Inc.*, St. Paul, Minnesota; to acquire 100 percent of the voting shares of Citizens State Bank of Hayfield, Hayfield, Minnesota.

2. *Houston Bancorporation, Inc.*, St. Paul, Minnesota; to merge with Cottage Grove Bancorporation, Inc., St. Paul, Minnesota, and thereby indirectly acquire Minnesota National Bank of Cottage Grove, Cottage Grove, Minnesota.

3. *Houston Bancorporation, Inc.*, St. Paul, Minnesota; to merge with Ladysmith Corporation, St. Paul, Minnesota, and thereby indirectly acquire The Pioneer National Bank of Ladysmith, Ladysmith, Wisconsin.

Board of Governors of the Federal Reserve System, January 21, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–1720 Filed 1–26–87; 8:45 am]

BILLING CODE 6210–01–M

First Interstate Bancorp; Notice of Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Borad's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 12, 1987.

A. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *First Interstate Bancorp*, Los Angeles, California; to engage *de novo* through its subsidiary, First Interstate Capital Markets, Inc., Los Angeles, California, in underwriting and dealing in obligations of the United States, general obligations of various states and their political subdivisions, and other obligations, including money market instruments, bankers acceptances and certificates of deposit pursuant to § 225.25(b)(16) of the Board's Regulation Y. These activities will be conducted nationwide as well as in London, England, and Tokyo, Japan.

Board of Governors of the Federal Reserve System, January 21, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–1721 Filed 1–26–87; 8:45 am]

BILLING CODE 6210–01–M

Robert B. Flood, Sr. et al.; Acquisition of Banks or Bank Holding Companies; Change in Bank Control Notice

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 11, 1987.

A. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Robert B. Flood, Sr.*, and Jeana P. Flood, Crystal Falls, Michigan; to acquire 14.84 percent of the voting shares of C.F.C. Bancorp, Inc., Crystal Falls, Michigan.

Board of Governors of the Federal Reserve System, January 21, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–1722 Filed 1–26–87; 8:45 am]

BILLING CODE 6210–01–M

Manufacturers Hanover Corp.; Application To Engage In Investment Advisory and Research Services

Manufacturers Hanover Corporation, New York, New York ("Applicant"), has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)), for permission to engage through Manufacturers Hanover Securities Corporation, New York, New York ("Company"), in the activities of providing portfolio investment advisory

and research services to institutional customers and furnishing general economic information and advice, general economic statistical forecasting services and industry services to such customers. Company is currently engaged in the underwriting, dealing and brokerage of securities. The Board has previously approved an application to offer both investment advice and securities brokerage services through the same subsidiary but subject to certain restrictions absent in the instant application. *National Westminister Bank PLC*, 72 Federal Reserve Bulletin 584 (1986) ("NatWest").

Company presently underwrites and deals in securities that national and state member banks are permitted to underwrite and deal in under the Glass-Steagall Act as well as under § 225.25(b)(16) of Regulation Y (12 CFR 225.25(b)(16)) (principally U.S. government securities, general obligations of states and municipalities and certain money market instruments). Company furnishes economic information and investment advice to customers on a gratuitous basis regarding these securities and instruments. Company also engages in securities brokerage services, related securities activities pursuant to Regulation T, and incidental activities such as offering custodial services, individual retirement accounts, and cash management services. Such activities are restricted to buying and selling securities solely as an agent for customers and do not include any activity in which Company would act as principal, offer investment advice or provide research services. Company also acts as agent for its customers in purchasing, selling and redeeming shares of mutual funds and unit investment trusts subject to certain limitations.

Applicant would conduct the proposed activities from offices within the United States for institutional customers located both within and outside the United States. Such institutional customers would include, among others: employee benefit plans with assets exceeding $1,000,000 or whose investment decisions are made by banks, insurance companies or investment advisors registered under the Investment Advisors Act of 1940; and natural persons whose individual net worths (or joint net worths with spouses) at the time of receipt of the investment advice or brokerage services exceeds $1,000,000.

Applicant's test for institutional customers differs from the test that the Board approved in its *NatWest* order, which employs a $5,000,000 minimum threshold of assets for both employee benefit plans and natural persons. Applicant's proposal differs from *NatWest* in several other respects: Company would share customer lists with its affiliates, but commits to protect the confidential information of its customers; one or more of Applicant's officers (none of whom will be an officer, director or employee of any member bank or subsidiary of a member bank) may also service as an officer or director of Company; and Applicant has not committed that Company will maintain separate offices from its other securities affiliates.

Section 4(c)(8) of the Bank Holding Company Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." While the Board has previously determined that engaging in investment advisory services and brokerage services are each permissible bank holding companies activities and may be conducted together in limited circumstances, the Board has not previously approved the proposed combination of these activities.

Applicant contends that the services and activities currently provided by banks for trust customers are functionally identical to the proposed activities such as providing investment advice and using affiliated discount brokers to purchase and sell securities on behalf of some of these customers. Moreover, Applicant states that the Board has previously approved the establishment or acquisition by bank holding companies of subsidiaries that jointly provide investment advice and brokerage services for different types of securities and financial instruments. In addition, Applicant submits that it is particularly well suited to perform the proposed activities since a number of its subsidiaries currently provide a variety of investment advisory services for customers.

In determining whether an activity is a proper incident to banking, the Board must consider whether the proposal may "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflict of interests, or unsound banking practices." Applicant maintains that permitting bank holding companies to engage in the proposed activities would be procompetitive; would result in increased convenience and efficiency to the public; and would not result in any adverse effects. To guard against such adverse effects, Applicant commits that: Company will provide the proposed services only to persons that it believes in good faith qualify as institutional customers; no officer of Company will also be an officer of an affiliated bank and no director of Company will also be a director of an affiliated bank; Company will separate its offices, assets, liabilities, capital, books and records from all affiliated banks; and Company will fully disclose its dual role as securities broker and investment adviser to its customers.

The application also presents issues under sections 20 and 32 of the Glass-Steagall Act (12 U.S.C. 377), which generally require a separation between member banks and companies primarily engaged in the underwriting or public sale of securities. Applicant contends that the proposed activities are not among those within the reach of the Act and thus are not barred by it. Further, Applicant also asserts that the proposed activities do not create any of the "subtle hazards" that Congress identified with the combination of commercial banking and the securities business, and which Congress sought to avoid by enacting the Glass-Steagall Act.

Any views or requests for hearing should be submitted in writing and received by Williams W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than February 24, 1987. Any request for a hearing must, as required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York.

Board of Governors of the Federal Reserve System, January 21, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-1723 Filed 1-26-87; 8:45 am]

BILLING CODE 6210-01-M

Poplar Bluff Bancshares, Inc. et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than February 13, 1987.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Poplar Bluff Bancshares, Inc.*, Poplar Bluff, Missouri; to merge with Mingo Bancshares, Inc., Poplar Bluff, Missouri.

2. *Union Planters Corporation*, Memphis, Tennessee; to acquire at least 90 percent of the voting shares of Merchants State Holding Company, Humboldt, Tennessee, and thereby indirectly acquire Merchants State Bank, Humboldt, Tennessee. Bank sells, as agent, insurance for accidental death benefit of $10,000 and travel on scheduled airline of $20,000 through a club package.

B. Federal Reserve Bank of Minneapolis (James. M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *First State Bank of Miller Profit Sharing Trust No. 1*, Miller, South Dakota; to become a bank holding company by acquiring 50 percent of the voting shares of M&H Financial Services, Inc., Miller, South Dakota, and thereby indirectly acquire First State Bank of Highmore, Highmore, South Dakota.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *International Bancorporation, Inc.*, Brownsville, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of International Bank, N.A., Brownsville, Texas. Comments on this application must be received by February 17, 1987.

2. *Kilgore Bancshares, Inc.*, Troup, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of City National Bank of Kilgore, Kilgore, Texas. Comments on this application must be received by February 17, 1987.

Board of Governors of the Federal Reserve System, January 21, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-1724 Filed 1-26-87; 8:45 am]

BILLING CODE 6210-01-M

The Ramapo Financial Corp.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 11, 1987.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Ramapo Financial Corporation*, Wayne, New Jersey; to engage *de novo* through its subsidiary, Ramapo Mortgage Company, Wayne, New Jersey, in acting as a mortgage servicing company for residential mortgage loans predominantly originated by The Ramapo Bank and sold to investors either directly or indirectly through investment banking houses or the Federal National Mortgage Association, and the company will actively solicit servicing rights to mortgages originated by third parties pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, January 21, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-1725 Filed 1-26-87; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before January 17, 1987. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by February 11, 1987.

Carol D. Shull,

Chief of Registration, National Register.

Arkansas

Marion County

Yellville vicinity, *Rush Historic District*, Rush Rd.

Newton County

Ponca, *Big Buffalo Valley Historic District*, Buffalo National River

California

Alameda County

Oakland, *USS POTOMAC (yacht), 1660 Embarcadero*

Los Angeles County

Culver City, *Citizens Publishing Company Building*, 9355 Culver Blvd.
Los Angeles, *Menlo Avenue—West 29th Street Historic District*, Bounded by Adams Blvd., Ellendale, Thirtieth Ave., and Vermont

Connecticut

Fairfield County

Fairfield, *Osborne, John, House*, 909 King's Highway W.
Westport, *Saugatuck River Bridge*, CT 136

Litchfield County

Torrington, *Fyler—Hotchkiss Estate*, 192 Main St.
Torrington, *Warrenton Woolen Mill*, 839 Main st.

Middlesex County

Derby, *Krayus Corset Factor*, Roosevelt Dr. and Third St.
Essex, *Centerbrook Congregational Church*, Main St.

New Haven County

Southbury, *South Britain Historic District*, E. Flat Hill, Hawkins, Library, and Middle Rds., and 497—864 S. Britain Rd.

Georgia

Baldwin County

Milledge vicinity, *Westover*, 151 Meriwether Rd., NW.

Illinois

Cook County

Schaumburg, *Schweikher, Paul, House of Studio*, 645 S. Meacham Rd.

Indiana

Harrison County

Corydon, Kintner House Hotel, 201 S. Capital

Johnson County

Hopewell, *Van Nuys Farm*, IN 144

Lake County

Whiting, *Hoosier Threater Building*, 1329–1335 One Hundred & Nineteenth St.

Marion County

Indianapolis, *St. James Court*, 2102–2106 N. Meridian St.

Perry County

Cannelton, *Cannelton Historic District*, Roughly bounded by Richardson, Taylor, First, and Madison Sts.

Union County

Liberty, *Union County Courthouse*, Courthouse Square

Kansas

Pratt County

Pratt, *Gebhart, S. P., House*, 105 N. Iuka St.

Michigan

Mecosta County

Big Rapids, *Fairman Building*, 102–106 S. Michigan Ave.

Montcalm County

Stanton, *Gilbert, Giles, House, 306 N. Camburn St.*

Mississippi

Hinds County

Bardin Mound (22–Hi–537)

Holmes County

Providence Mound (22–Ho–609

Old Hoover Place Site (22–Ho–502)

Lowrence County

George Mound (22–Lw–591)

Lowe—Steen Site (22–Lw–511)

Simpson County

Lewis, L'Dora, Mound (22–Si–512)

MISSOURI

St. Louis (Independent City)
Dundee Place—Tiffany Neighborhood District (Boundary Increase-Decrease), Roughly bounded by Park Ave., S. Grand Blvd., Lafayette, Vandeventer, Towergrove, and Folsome Aves.

NEVADA

Clark County

Las Vegas, *Smith, Jay Dayton, House*, 624 S. Sixth St.

Washoe County

Reno, *University of Nevada Reno Historic District*, Virginia St.

NEW MEXICO

Valencia County

Los Lunas, *Wittwer, Dr. William Frederick, House*, NM 6, W of US 85

NEW YORK

Dutchess County

New Hamburg, *Brower, Abraham, House (New Hamburg MRA)*, 2 Water St.
New Hamburg, *Brower, Adolph, House (New Hamburg MRA), 1 Water St.*
New Hamburg, *Main Street Historic District (New Hamburg MRA)*, Main St., roughly bounded by Stone and Bridge Sts.
New Hamburg, *Shay's Warehouse and Stable (New Hamburg MRA)*, Rear of 32 Point St.
New Hamburg, *Shay's William, Double House (New Hamburg MRA)*, 18 Point St.
New Hamburg, *Stone Street Historic District (New Hamburg MRA)*, Stone St. from Division St., to Bridge St.
New Hamburg, *Union Free School (New Hamburg MRA)*, Academy St.
New Hamburg, *Zion Memorial Chapel (New Hambug MRA)*, 37 Point St.

Westchester County

Ossining, *Washington School*, 83 Groton Ave.

PENNSYLVANIA

Berks County

Reading vicinity, *French Creek State Park: Organized Group Camp 4 (Emergency Conservation Work (ECW) Architecture in Pennsylvania State Parks: 1933–1942 TR)*, 7 mi NE of Morgantown on PA 345

Centre County

Philipsburg vicinity, *Black Moshannon State Park Day Use District (Emergency Conservation Work (ECW) Architecture in Pennsylvania State Parks: 1933–1942 TR)*, 9 mi E of Philipsburg on PA 504
Philipsburg vicinity, *Black Moshannon State Park Family Cabin District (Emergency Conservation Work (ECW) Architecture in Pennsylvania State Parks: 1933–1942 TR)*, 9 mi E of Philipsburg on PA 504
Phillipsburg vicinity, *Black Moshannon State Park Maintenance District (Emergency Conservation Work (ECW) Architecture in Pennsylvania State Parks: 1933–1942 TR)*, 9 mi E of Philipsburg on PA 504

Huntingdon County

Huntingdon, *Whipple Dam State Park Day Use District (Emergency Conservation Work (ECW) Architecture in Pennsylvania State Parks: 1933–1942 TR)*, 10 mi S of State College, E of PA 26

Jefferson County

Siegel vicinity, *Clear Creek State Park Family Cabin District (Emergency Conservation Work (ECW) Architecture in Pennsylvania State Parks: 1933–1942 TR)*, 4 mi N of Sigel on PA 949

Somerset County

Jefferson vicinity, *Kooser State Park Family Cabin District (Emergency Conservation Work (ECW) Architecture in Pennsylvania State Parks: 1933–1942 TR)*, 10 mi N of PA Turnpike Exit 10 on PA 31

Tioga County

Ansonia vicinity, *Colton Point State Park (Emergency Conservation Work (ECW) Architecture in Pennsylvania State Parks: 1933–1942 TR), 5 mi S of US 6 at Ansonia*

Westmoreland County

Rector vicinity, *Linn Run State Park Family Cabin District (Emergency Conservation Work (ECW) Architecture in Pennsylvania State Parks: 1933–1942 TR)*, 2 mi SE of Rector on LInn Run Rd.

UTAH

Washington County

Springdale vicinity, *Zion Lodge Birch Creek Historic District (Boundary Increase)*, W. of UT 9 on the W and E sides of the Zion Canyon Scenic Drive near Birch Creek

WASHINGTON

Spokane County

Spokane, *Ammon (Apartment Buildings by Albert Held TR)*, W. 1516 Riverside

Spokane, *Breslin (Apartment Buildings by Albert Held TR)*, S. 729 Bernard
Spokane, *Knickerbocker (Apartment Buildings by Albert Held TR)*, S. 501–507 Howard
Spokane, *San Marco (Apartment Buildings by Albert Held TR)*, W. 1229 Riverside

Whitman County

Farmington, *Masonic Hall*, Jct. of Main and Second Sts.

Yakima County

Grandview vicinity, *Cornell Farmstead (Grandview MRA)*, Pleasant Rd. and Old Prosser Rd.
Grandview vicinity, *Grandview Herald Building (Granview MRA)*, 107 Division St.
Grandview vicinity, *Grandview High School (Grandview MRA)*, 913 W. Second St.
Grandview vicinity, *Grandview State Bank (Grandview MRA)*, 100 W. Second St.
Grandview vicinity, *Howay—Dykstra House (Grandview MRA)*, 114 Birch St.
Grandview vicinity, *Morse House (Grandview MRA)*, 404 E. Main St.
Yakima, *Brooker—Taylor House (Yakima TR)*, 203 S. Naches Ave.
Yakima, *Card, Rupert, House (Yakima TR)*, 1105 W. A St.
Yakima, *Carmichael—Loundon House (Yakima TR)*, 2 Chicago Ave.
Yakima, *Dills, Harrison, House (Yakima TR)*, 4 N. Sixteenth ave.
Yakima, *Greene, James, House (Yakima TR)*, 203 N. Ninth St.
Yakima, *Howard, A.E., House (Yakima TR)*, 602 N. First St.
Yakima, *Knuppenburg, James, House (Yakima TR)*, 111 S. Ninth St.
Yakima, *Larson—Hellieson House (Yakima TR)*, 208 N. Naches Ave.
Yakima, *Lindsey, William, House (Yakima TR)*, 301 N. Eighth St.
Yakima, *Miller, Alexander, House (Yakima TR)*, 314 N. Second St.
Yakima, *Miller, John J., House (Yakima TR)*, 9 S. Tenth Ave.
Yakima, *Mineau, Francis, House (Yakima TR)*, 216 N. Seventh St.
Yakima, *Moore, Edward B., House (Yakima TR)*, 222 N. Second St
Yakima, *Perrin, Winfield, House (Yakima TR)*, 12 S. Eleventh Ave.
Yakima, *Potter, H.W., House (Yakima TR)*, 305 S. Fourth St.
Yakima, *Powell House (Yakima TR)*, 207 S. Ninth St.
Yakima, *Richey, James, House (Yakima TR)*, 206 N. Naches Ave.
Yakima, *Sharp, James, House (Yakima TR)*, 111 N. Ninth St.
Yakima, *Sweet, Reuben, House (Yakima TR)*, 6 Chicago Ave.
Yakima, *Watt, William, House (Yakima TR)*, 1511 W. Chestnut Ave.
Yakima, *West, Dr. Edmond, House (Yakima TR)*, 202 S. Sixteenth Ave.
Yakima, *Wilcox, Charles, House (Yakima TR)*, 220 N. Sixteenth Ave.

WEST VIRGINIA

Ohio County

Wheeling, *Centre Market Square Historic Dictrict (Boundary Increase)*, S side of Main from Alley 19 to 20th St., & Chapline, Eoff & Charles Sts. bounded by Lane C, 22nd, & 24th Sts.

[FR Doc. 87–1710 Filed 1–26–87; 8:45 am]
BILLING CODE 4310–70–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Cell Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting.

Name: Advisory Panel for Cell Biology.

Date and Time: Wednesday, Thursday, and Friday, February 11, 12, and 13, 1987, from 9:00 AM to 5:00 PM.

Place: Room 1242, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Edward Berger, Program Director, Cell Biology Program, Room 321. Telephone: 202–357–7474.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,
Committee Management Officer.
January 21, 1987.
[FR Doc. 87–1712 Filed 1–26–87; 8:45 am]
BILLING CODE 7555–01–M

Advisory Panel for Developmental Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended Pub. L. 92–463, the National Science Foundation announces the following meeting.

Name: Advisory Panel for Developmental Biology.

Date and Time: February 12, 13 and 14, 1987 starting at 9:00 a.m. to 5:30 p.m.

Place: Conference Room 523, National Science Foundation, 1800 G Street, NW. Washington, DC 20550

Type of Meeting: Closed.

Contact Person: Dr. Joseph P. Mascarenhas, Program Director or Dr. Judith Plesset, Assistant Program Director, Developmental Biology Program, Room 332, National Science Foundation, Washington, DC 20550, Telephone 202/357–7989.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for research in developmental biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason For Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, National Science Foundation, on July 6, 1979.

M. Rebecca Winkler,
Committee Management Officer.
January 21, 1987.
[FR Doc. 87–1713 Filed 1–26–87; 8:45 am]
BILLING CODE 7555–01–M

Advisory Committee for Microelectronic Information Processing Systems; Meeting

Name: Advisory Committee for Microelectronic Information Processing Systems.

Date And Time: February 12 8:30 a.m.–5:30 p.m. & February 13 8:30 a.m.–3:00 p.m.

Place: National Science Foundation, 1800 "G" Street, NW., Room 540, Washington, DC. 20550.

Type of Meeting: Open.

Contact Person: Stephanie Gorman, National Science Foundation, 1800 "G" Street, NW., Washington, DC. 20550, (202) 357–7373.

Minutes: May be obtained from contact person listed above.

Purpose of Meeting: The 1st Meeting of the new Division's Advisory Committee.

Agenda: To discuss the content of the division's program goals and objectives and to advise on areas and priorities, new initiatives and other topics of the new division.

M. Rebecca Winkler,

Committee Management Officer.

January 21, 1987.

[FR Doc. 87-1714 Filed 1-26-87; 8:45 am]

BILLING CODE 7555-01-M

Committee Management; Establishment

The Assistant Director for Engineering has determined that the establishment of the Advisory Committee for Cross-Disciplinary Research is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), and other applicable law. This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Name of Committee: Advisory Committee for Cross-Disciplinary Research.

Purpose: To provide advice, recommendations, and oversight concerning support for research and research-related activities in the Engineering Research Centers and the Industry University Cooperative Research Centers Programs.

M. Rebecca Winkler,

Committee Management Officer.

January 20, 1987.

[FR Doc. 87-1711 Filed 1-26-87; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-461]

Illinois Power Co.; Consideration of Issuance Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-55 issued to Illinois Power Company (the licensee) for operation of the Clinton Power Station located in Harp Township, Dewitt County, Illinois.

The proposed amendment will modify section 3/4.7.2, "Control Room Ventilation System" of the Technical Specifications for the Clinton Power Station's Low Power License. The modification will change the acceptance criteria for the control room HVAC system's allowable flow rate from 62,500 cubic feet per minute (CFM) ±10% to 64,000 CFM ±10%. The current value of 62,500 CFM ±10%, which was placed in the Technical Specifications as a preliminary value, was based on calculated flow rates which are not achievable on both trains of the system. The initial calculation utilized estimated flow resistance values for system components (charcoal absorbers); testing of the system had not been compeleted prior to the issuance of the low power operating license. The proposed value of 64,000 CFM ±10% is based on flow rates measured in the as-built and tested configuration of both trains of the control room HVAC system. Although one train of the control room HVAC system meets the current Technical Specifications, this change is needed before the plant can achieve initial criticality, since both trains of the system must satisfy the operational conditions prescribed in the Technical Specifications for entry into this operating condition, i.e., criticality. The amendment is supported by an analysis prepared by the licensee which shows that the increase in the air flow rate does not have any adverse impact on system performance. The licensee using the standards in 10 CFR 50.92 has made a determination that the proposed change does not involve a significant hazards consideration. This revision to the Technical Specifications is being made in response to the licensee's application for amendment, dated January 20, 1987.

Before issuance of proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for a proposed finding based on the above three criteria is given below.

1. The thyroid dose for control room operators resulting from the proposed increase in the control room HVAC flow rate has been recalculated. The proposed increase in the system flow rate results in a slight decrease in calculated thyroid dose to control room operators due to recirculating a higher percentage of control room air through the filter unit (charcoal absorbers).

Therefore, this proposed amendment does not involve a significant increase in the consequences of an accident previously evaluated. Since there is no change in equipment or procedures for this system this change does not involve a significant increase in the probability of an accident previously evaluated.

2. Since there are no changes to plant equipment or plant procedures, except for procedures test acceptance criteria, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Although the proposed amendment will result in an increase in the control room HVAC system flow rate to 64,000 CFM, the initial control room design was for a two unit control room utilizing a recirculation flow rate of approximately 71,000 CFM. The increased flow rate will result in an overall decrease in thyroid dose and a slight decrease in chloride removal (approximately 2%) from the values described in the Final Safety Analysis Report. The slight decrease in chloride removal capability is still well within acceptable limits. Therefore, this change does not involve a significant reduction in the margin of safety.

Based on the review to the three criteria given above, the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

The Commission has determined that failure to act in a timely way would result in a delay in achieving initial criticality, which in turn will result in a delay in achieving full power operations. Thus, the Commission does not have sufficient time to issue its usual 30-day notice of the proposed action for public comment.

If the proposed determination becomes final, an opportunity for a hearing will be published in the Federal Register at a later date and any hearing request will not delay the effective date of the amendment.

If the Commission decides in its final determination that the amendment does involve a significant hazards consideration, a notice of opportunity for a prior hearing will be published in the Federal Register and, if a hearing is granted, it will be held before any amendment is issued.

The Commission is seeking public comments on this proposed determination of no significant hazards consideration. Comments on the proposed determination may be

telephoned to Walter R. Butler, Director, BWR Project Directorate No. 4, by collect call to 301–492–7538 or submitted in writing to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of the **Federal Register** notice. All comments received by February 11, 1987, will be considered in reaching a final determination. A copy of the application may be examined at the commission's Public Document Room, 1717 H Street, NW, Washington, DC and at the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727, the Local Public Document Room.

Dated at Bethesda, Maryland, this 23rd day of January 1987.

For the Nuclear Regulatory Commission.

Walter R. Butler,

Director, BWR Project Directorate No. 4, Division of BWR Licensing.

[FR Doc. 87–1781 Filed 1–26–87; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service; Schedules A, B, and C; Positions Placed or Revoked

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A, B, and C in the excepted service, as required by civil service rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: Sylvia Cole, (202) 632–6817.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR Part 213 on January 6, 1987 (52 FR 478). Individual authorities established or revoked under Schedule A, B, or C between December 1, 1986, and December 31, 1986, appear in a listing below. Further notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities will be published as of June 30 of each year.

Schedule A

The following exceptions were established:

Department of Justice

Up to 3,500 positions at grades GS–15 and below in the Immigration and Naturalization Service that are needed to plan for and implement the processing of claims for resident status, which may be submitted by aliens already residing in the United States as authorized by immigration control and reform legislation. No new appointments may be made under this authority after December 31, 1990. Effective December 11, 1986.

Department of Transportation

Postions at Washington National and Washington Dulles International Airports that become vacant before control of the airports is transferred for the Federal Aviation Administration to the Metropolitan Washington Airports Authority and that are filled with the concurrence of the Authority. Effective December 11, 1986.

Scheudle B

No Schedule B exceptions were established or revoked during December.

Schedule C

The following exceptions have been established:

Department of Agriculture

One Member, Board of Directors, in the Federal Crop Insurance Corporation, to the Secretary. Effective December 2, 1986.

One Executive Assistant to the Administrator, Agricultural Marketing Service. Effective December 15, 1986.

Department of the Air Force

One Secretary (Steno) to the Under Secretary. Effective December 5, 1986.

Department of Commerce

One Confidential Aide to the Deputy Under Secretary for Travel and Tourism. Effective December 1, 1986.

One Confidential Assistant to the Deputy Assistant Secretary for Capital Goods and International Construction, International Trade Administration. Effective December 5, 1986.

One Confidential Assistant to the Assistant Secretary for Tourism Marketing. Effective December 9, 1986.

One Confidential Assistant to the Special Assistant to the Deputy Secretary. Effective December 30, 1986.

Department of Defense

One Public Affairs Specialist to the Assistant Secretary of Defense (Public Affairs). Effective December 1, 1986.

One Private Secretary to the General Counsel. Effective December 9, 1986.

Department of Education

One Special Assistant to the Assistant Secretary for Postsecondary Education. Effective December 1, 1986.

One Staff Assistant to the Director, Programs for Improvement of Practice. Effective December 1, 1986.

One Special Assistant to the Secretary's Regional Representative. Effective December 2, 1986.

One Special Assistant to the Director, Intergovernmental Affairs, Office of Intergovernmental and Interagency Affairs. Effective December 5, 1986.

One Confidental Assistant to the Director of Public Affairs, Office of Planning, Budget and Evaluation. Effective December 8, 1986.

One Special Assistant to the Secretary. Effective December 15, 1986.

One Staff Assistant to the Assistant Secretary for Special Education and Rehabilitative Services. Effective December 22, 1986.

One Staff Assistant to the Special Assistant to the Secretary. Effective December 30, 1986.

Department of Energy

One Staff Assistant to the Special Assistant to the Secretary. Effective December 17, 1986.

One Staff Assistant to the Director, Office of Public Liaison, Assistant Secretary for Congressional, Intergovernmental and Public Affairs. Effective December 15, 1986.

One Confidential Assistant (Secretary) to the Director, Division of Communication. Effective December 22, 1986.

One Senate Liaison Specialist to the Deputy Assistant Secretary for Senate Liaison. Effective December 23, 1986.

One Special Assistant to the Assistant Secretary of Fossil Energy. Effective December 30, 1986.

Department of Health and Human Services

One Associate Commissioner for Governmental Affairs to the Senior Advisor to the Comissioner for External Affairs, Social Security Administration. Effective December 1, 1986.

One Special Assistant to the Deputy Assistant Secretary for Legislation (Human Services). Effective December 1, 1986.

One Staff Assistant to the Secretary. Effective December 1, 1986.

One Special Assistant for Liaison to the Executive Assistant to the Secretary. Effective December 2, 1986.

One Confidential Assistant to the Director, Office of Community Services,

Family Support Administration. Effective December 9, 1986.

One Deputy Director, Office of Community Services to the Director. Effective December 9, 1986.

One Special Assistant to the Deputy Assistant Secretary for Legislation to the Deputy Assistant Secretary. Effective December 11, 1986.

One Director, Office of Communications Technology to the Associate Commissioner for Governmental Affairs, Social Security Administration. Effective December 29, 1986.

One Confidential Assistant to the Assistant Secretary for Legislation. Effective December 29, 1986.

One Confidential Assistant to the Associate Administrator for External Affairs, Health Care Financing Administration. Effective December 30, 1986.

Department of Housing and Urban Development

One Special Assistant to the Deputy Assistant Secretary for Operations and Management. Effective December 2, 1986.

One Special Assistant to the Regional Administrator-Regional Housing Commissioner. Effective December 5, 1986.

One Special Assistant to the Regional Administrator-Regional Housing Commissioner. Effective December 11, 1986.

One Special Assistant to the Under Secretary. Effective December 23, 1986.

Department of the Interior

One Special Assistant to the Assistant Secretary for Territorial and International Affairs. Effective December 23, 1986.

One Special Assistant to the Solicitor. Effective December 30, 1986.

Department of Justice

One Confidential Assistant to the Attorney General. Effective December 9, 1986.

One Research Associate to the Director, Office of Public Affairs. Effective December 9, 1986.

Department of Labor

One Assistant to the Secretary's Representative. Effective December 4, 1986.

One Special Assistant to the Assistant Secretary for Occupational Safety and Health. Effective December 30, 1986.

Department of State

One Secretary (Stenography) to the Assistant Secretary, Bureau of Near Eastern and South Asian Affairs. Effective December 22, 1986.

One Staff Assistant to the Under Secretary for Management. Effective December 29, 1986.

One Secretary (Stenography) to the Under Secretary for Economic Affairs. Effective December 30, 1986.

ACTION

One Confidential Assistant to the General Counsel. Effective December 4, 1986.

One Staff Assistant to the Associate Director for Voluntarism Initiatives. Effective December 18, 1986.

Commission on Civil Rights

One Special Assistant to a Commissioner. Effective December 9, 1986.

Environmental Protection Agency

One Staff Assistant to the Assistant Administrator for Policy, Planning and Evaluation. Effective December 29, 1986.

Farm Credit Administration

One Secretary to the Board and Chief of Staff, to the Chairman. Effective December 17, 1986.

One Private Secretary to a Member. Effective December 17, 1986.

One Executive Assistant to a Member. Effective December 31, 1986.

Federal Communications Commission

One Legislative Affairs Officer to the Director, Office of Congressional and Public Affairs. Effective December 3, 1986.

One Confidential Assistant to the Chief of Staff. Effective December 8, 1986.

Federal Maritime Commission

One Confidential Assistant to a Commissioner. Effective December 29, 1986.

Federal Trade Commission

One Director, Office of Public Affairs to the Chairman. Effective December 4, 1986.

General Services Administration

One Confidential Assistant to the Regional Administrator. Effective December 22, 1986.

Interstate Commerce Commission

One-Attorney-Advisor (Transportation) to a Commissioner. Effective December 22, 1986.

Office of Managment and Budget

One Secretary to the Director. Effective December 18, 1986.

One Secretary to the Director. Effective December 22, 1986.

Office of Personnel Management

One Special Assistant to the Director, Office of Public Affairs. Effective December 16, 1986.

Pension Benefit Guaranty Corporation

One Special Assistant to the Executive Director. Effective December 23, 1986.

Small Business Administration

One Special Assistant to the Director of Women's Business Ownership. Effective December 2, 1986.

One Director of Veterans Affairs to the Associate Administrator for Business Development. Effective December 10, 1986.

One Special Assistant to the Director of Private Sector Initiatives. Effective December 29, 1986.

U.S. Trade Representative

One Confidential Assistant to the Deputy U.S. Trade Representative-Geneva. Effective December 29, 1986.

U.S. Office of Personnel Management

Authority: 5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.

James E. Colvard,

Deputy Director.

[FR Doc. 87–1672 Filed 1–26–87; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

National Motor Carrier Advisory Committee; Subcommittee on Safety; Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The FHWA announces that the Subcommittee on Safety of the National Motor Carrier Advisory Committee will hold a meeting on February 4, 1987, in Washington, DC, at the U.S. Department of Transportation headquarters, 400 Seventh Street, SW., Washington, DC 20590. The meeting will begin at 9 a.m. in Room 4234 and it is open to the public. The agenda will focus on the implementation of the commercial driver's license program which was created as a result of the Commercial Motor Vehicle Safety Act of 1986, Pub. L. 99–570 enacted on October 27, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph S. Toole, Executive Director, National Motor Carrier Advisory Committee, Federal Highway Administration, HOA–1, Room 4218, 400

Seventh Street, SW., Washington, DC 20590. (202) 366–2238. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal holidays.

Issued on: January 21, 1987.

Robert E. Farris,

Deputy Administrator, Federal Highway Administration.

[FR Doc. 87–1717 Filed 1–26–87; 8:45 am]

BILLING CODE 4910–22–M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 17
Tuesday, January 27, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL ENERGY REGULATORY COMMISSION

January 21, 1987.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552B:

TIME AND DATE: January 28, 1987, 10:00 a.m.

PLACE: 825 North Capitol Street, NE., Washington, DC 20424, Hearing Room A.

STATUS: Open.

MATTER TO BE CONSIDERED: Agenda.
Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357–8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Public Reference Room.

Consent Power Agenda, 850th Meeting—January 28, 1987, Regular Meeting (10:00 a.m.)

CAP–1.
Project No. 3986–003, Swift River Company
CAP–2.
Project No. 8050–001, Westmoreland County, Pennsylvania, Loyalhanna Township, Pennsylvania and Pennsylvania Renewable Resources, Inc.
CAP–3.
Project No. 3865–007 and 008, Guadalupe-Blanco River Authority
CAP–4.
Project No. 10171–001, North Country Hydro Associates
CAP–5.
Project No. 9095–003, Northwestern Pacific Power Company
CAP–6.
Project No. 2299–007, Turlock and Modesto Irrigation Districts
CAP–7.
Project No. 2866–005, Metropolitan Sanitary District of Greater Chicago
CAP–8.
Project No. 4182–005, Shorock Hydro, Inc.
CAP–9.
Project No. 9250–001, Montana Natural Energy, Inc.
CAP–10.
Project No. 2930–010, Idaho Power Company
Project No. 10065–001, Gem Irrigation District
CAP–11.
Project No. 7706–000, Red Rock Hydro Partners
Project No. 7882–000, city of Des Moines, Iowa
Project No. 8511–000, Seward Development-Red Rock Associates
CAP–12.
Docket No. ER86–721–002, Central Power & Light Company
CAP–13.
Docket No. ER87–65–002, West Texas Utilities Company
CAP–14.
Docket No. EL82–20–002, town of Highlands, North Carolina, Haywood Electric Membership Corporation, North Carolina Electric Membership Corporation and Western Carolina University v. Nantahala Power and Light Company
CAP–15.
Docket No. ER87–140–000, ER87–159–000 and ER87–160–000, Boston Edison Company
CAP–16.
Docket No. ER86–632–000, Kansas Power and Light Company
Docket No. ER86–696–001, Kansas Gas and Electric Company
CAP–17.
Docket No. ER87–150–000, Commonwealth Edison Company
CAP–18.
Docket No. QF86–343–001, Foster Wheeler Power Systems, Inc. and Mount Carmel Facility
CAP–19.
Docket No. QF83–196–001, Big Horn Energy Partners
CAP–20.
Docket No. ER86–562–002, Boston Edison Company
CAP–21.
Docket No. ER85–106–000 (Phase II), Montaup Electric Company
CAP–22.
Docket No. ER86–379–002, Monongahela Power Company
CAP–23.
Project Nos. 3024–001, 004, 005, 006, 008, 009, 3029–001, 004, 005, 006, 008 and 009, the city of Richmond, Virginia

Consent Miscellaneous Agenda

CAM–1.
Docket No. FA83–18–001, Transcontinental Gas Pipe Line Corporation
CAM–2.
Docket No. RM79–27–001, petition for rulemaking in the matter of determinations whether wells drilled in more than 500-foot water depth should be determined to be "High Cost Gas" under section 107(c)(5) of the Natural Gas Policy of 1978
Docket Nos. RM79–76–253 and 254, petition of Montana-Dakota Utilities Company to reopen order No. 99
Docket No. RM80–12–001, new, onshore production wells; proposed rulemaking amending final regulations implementing the Natural Gas Policy Act of 1978
Docket No. RM80–38–001 and 002, high-cost natural gas produced from wells drilled in deep water
Docket No. RM81–30–001, petition for rulemaking to restrain prices for deregulated gas
Docket No. RM81–35–001, petition for rulemaking for implementation of the Commission's rulemaking authority to require filing of contracts under section 315(c) of the Natural Gas Policy Act
Docket No. RM82–1–001, petition for rulemaking to establish revised policies under the Natural Gas Act respecting the purchase and use of gas
Docket No. RM82–8–001, high-cost natural gas produced from intermediate deep drilling
Docket No. RM82–17–001, petition for rulemaking to investigate and establish rules mitigating market distortions under the Natural Gas Policy Act
Docket No. RM82–19–001, petition to institute a proceeding, pursuant to the Natural Gas Policy Act, sections 104(b) and 106(c), to increase the price of flowing interstate natural gas
Docket No. RM82–20–001, petition for rulemaking to require filing of contracts under section 315(c) of the Natural Gas Policy Act
Docket No. RM82–26–001, impact of the Natural Gas Policy Act on current and projected natural gas markets
Docket Nos. RM82–32–001 and 002, limitation on incentive prices for high-cost gas to commodity values
Docket Nos. RM82–33–001 and 002, comments in opposition to proposed rulemaking in the matter of high-cost gas produced from tight formations, Docket No. RM79–76 (Ohio-2)
Docket No. RM83–46–001, petition for rulemaking in the matter of take-or-pay clauses in producer/pipeline contracts
Docket No. RM84–7–001, impact of special marketing programs on natural gas companies and consumers.
Docket No. RM84–13–001, petition for rulemaking on the effect of price escalator clause
Docket No. RM84–17–001, petition for rulemaking in the matter of reformation of take-or-pay clauses
CAM–3.
Docket No. GP86–45–001, Placid Oil Company
CAM–4.
Docket Nos. GP80–41–036, 037 and 038, United Gas Pipeline Company
CAM–5.

Docket No. GP84-53-000, Transcontinental Gas Pipe Line Corporation
Docket No. GP85-3-000, Columbia Gas Transmission Corporation
Docket No. GP85-7-000, Texas Gas Transmission Corporation
Docket No. GP85-13-000, Southern Natural Gas Company

CAM-6.
Docket No. GP86-18-000, Amoco Production Company, Gallegos Canyon Unit No. 206 Well, FERC No. JD86-00725

CAM-7.
Docket No. GP86-33-000, State of New Mexico, section 108 determination, Amoco Production Company, South Mattix Unit Federal No. 14 Well, FERC No. JD85-44216

CAM-8.
Docket No. SA86-26-000, Edwin L. Cox

Consent Gas Agenda

CAG-1.
Docket Nos. TA87-1-52-000 and 001, Western Gas Interstate Company

CAG-2.
Docket Nos. TA87-2-18-000 and 001 (PGA87-1), Texas Gas Transmission Corporation

CAG-3.
Docket Nos. TA87-2-17-000 and 001, Texas Eastern Transmission Corporation

CAG-4.
Docket Nos. TA87-2-16-000 and 001 (PGA87-1 and IPR87-1), National Fuel Gas Supply Corporation

CAG-5.
Docket Nos. TA87-1-15-000 and 001, Mid-Louisiana Gas Company

CAG-6.
Docket No. TA86-3-59-008, Northern Natural Gas Company, division of Enron Corproation

CAG-7.
Docket Nos. TA85-1-26-006, 007, 008, 009, 010, 011, 012 and 013, Natural Gas Pipeline Company of America

CAG-8.
Docket Nos. TA87-1-37-005, 006, 007 and 008, Northwest Pipeline Corporation

CAG-9.
Docket No. RP87-17-001, East Tennessee Natural Gas Company

CAG-10.
Docket No. RP86-97-006, Natural Gas Pipeline Company of America
Docket No. RP85-206-009, Northern Natural Gas Company, division of Enron Corporation

CAG-11.
Docket No. RP87-29-000, Lawrenceburg Gas Transmission Corporation

CAG-12.
Omitted

CAG-13.
Docket No. RP86-68-002, Northwest Central Pipeline Corporation

CAG-14.
Docket No. RP86-117-001, Gas Research Institute

CAG-15.
Docket No. ST84-93-001, Texas Eastern Transmission Corporation

CAG-16.
Docket Nos. RP86-87-000 and 001, Mountain Fuel Resources, Inc.

CAG-17.
Docket No. TA86-3-28-005, Panhandle Eastern Pipe Line Company

CAG-18.
Docket Nos. TA87-1-2-000, 001 and 002 (PGA87-1 and PGA87-1a), East Tennessee Natural Gas Company

CAG-19.
Docket Nos. TA87-1-46-000 and TA86-4-46-000, Kentucky West Virginia Gas Company

CAG-20.
Docket Nos. TA86-3-59-003 and 006, Northern Natural Gas Company, division of Enron Corporation

CAG-21.
(A) Docket No. RP85-170-003, Texas Eastern Transmission Corporation
(B) Docket No. RP85-183-002, Algonquin Gas Transmission Company

CAG-22.
Docket No. RP86-137-000, Florida Gas Transmission Company

CAG-23.
Docket Nos. ST81-260-009, ST86-1308-000, ST86-2102-000, ST86-2307-000, ST86-2802-000, ST86-2803-000 and ST87-6-000, Enogex, Inc. (formerly Mustang Fuel Corporation)

CAG-24.
Docket Nos. ST86-2571-000 and ST86-2711-000, Dow Pipeline Company

CAG-25.
Docket Nos. ST85-815-000, ST86-2717-000, ST86-2718-000 and ST86-2719-000, Producer's Gas Company

CAG-26.
Docket Nos. ST86-2691-000, ST86-2692-000, ST86-2698-000, ST86-2705-000, ST82-356-000 and 001, Delhi Gas Pipeline Corporation

CAG-27.
Docket Nos. ST86-2687-000, ST86-2688-000, ST86-2690-000, ST86-2699-000, ST86-2701-000, ST86-2706-000, ST86-2707-000 and ST84-773-000, Delhi Gas Pipeline Corporation

CAG-28.
Docket Nos. ST86-2660-000, ST82-296-000 and 001, Shreveport Intrastate Gas Transmission Ltd.

CAG-29.
Docket Nos. ST86-2681-000, ST86-2682-000, ST86-2684-000, ST86-2686-000, ST86-2693-000, ST86-2694-000, ST86-2695-000, ST86-2696-000, ST86-2697-000, ST86-2700-000, ST86-2702-000, ST86-2703-000 and ST86-2704-000, Delhi Gas Pipeline Corporation

CAG-30.
Docket Nos. ST86-2685-000 and ST84-803-000, Delhi Gas Pipeline Corporation

CAG-31.
Docket No. ST86-204-000, SUPENN Pipeline

CAG-32.
Docket Nos. IS81-40-000 and IS82-41-000, Cook Inlet Pipe Line Company

CAG-33.
Docket No. IS86-5-000, Mid-America Pipeline Company

CAG-34.
Docket Nos. RP83-109-002 and 003, Tennessee Gas Pipeline Company, a division of Tenneco Inc. (complainant) v. Pan-Canadian Petroleum Company, J.E. Stack, Jr., Systems Fuels, Inc., Tomlinson Interests, Inc., Sun Exploration & Production Company, Forest Oil Corporation, The Stone Petroleum Corporation, Mislatex Minerals Corporation, Hanover Petroleum Corporation, Floyd Kimble d/b/a Red Hill Development, Champlin Petroleum Company, Moore McCormack Energy, Inc., Hamman Oil & Refining Company, Inc., Mesa Operating Limited Partnership, Clarence Day, Atlantic Richfield Company, Arco Oil and Gas Company, Contran Corporation and Valhi, Inc. (respondents)

CAG-35.
Docket Nos. CI86-138-001 and CI86-295-001, Chevron U.S.A. Inc. and Tenneco Oil Company

CAG-36.
Docket No. CI83-12-046, Coastal Oil & Gas Corporation

CAG-37.
Docket No. CI86-372-000, Chevron U.S.A. Inc. and Texas Eastern Transmission Corporation
Docket No. CI86-380-000, Chevron U.S.A. Inc.

CAG-38.
Docket No. CP86-474-001, Great Lakes Gas Transmission Company
Docket Nos. CP86-422-001, CP86-456-001 and CP86-474-002, Great Lakes Gas Transmission Company
Docket No. CP79-467-012, ANR Pipeline Company

CAG-39.
Docket No. CP86-505-001, East Tennessee Natural Gas Company

CAG-40.
Docket No. CP86-345-002, Northwest Pipeline Corporation

CAG-41.
Docket No. CP86-92-001, National Fuel Gas Supply Corporation
Docket Nos. CP86-543-001 and 002, Tennessee Gas Pipeline Company, a division of Tenneco Inc.
Docket No. CP86-729-001, Consolidated Gas Transmission Corporation

CAG-42.
Docket No. CP85-492-001, Transcontinental Gas Pipeline Line Corporation and United Gas Pipe Line Company
Docket No. CP85-648-001, Natural Gas Pipe Line Company of America
Docket No. CP86-236-001, Transcontinental Gas Pipe Line Corporation
Docket No. CP86-237-001, Transcontinental Gas Pipe Line Corporation

CAG-43.
Docket No. CP86-301-002, Panhandle Eastern Pipe Line Company

CAG-44.
Docket No. CP86-465-001, Tennessee Gas Pipeline Company, a division of Tenneco Inc.

CAG-45.
Docket Nos. CP85-437-001 and 002, Mojave Pipeline Company
Docket No. CP85-552-001, Kern River Gas Transmission Company
Docket Nos. CP86-205-000 and 001, El Dorado Interstate Transmission Company

CAG–46.
Docket Nos. CP85–636–000, 001, 002, CP85–775–000, 001 and 002, Northern Natural Gas Company, division of Enron Corporation
CAG–47.
Docket No. CP86–420–000, Freeport Interstate Pipeline Company
CAG–48.
Docket No. CP85–534–000, Williston Basin Interstate Pipeline Company
CAG–49.
Docket No. CP86–628–000, National Fuel Gas Supply Corporation

I. Licensed Project Matters

P–1.
Project No. 199–040, South Carolina Public Service Authority. Order on rehearing of order approving a modified emergency action plan for P–199.
P–2.
Project No. 4204–004, city of Batesville, Arkansas
Project No. 4695–004, Independence County, Arkansas. Request by licensee for a 50-year term for an original license issued for a project involving a moderate amount of new construction.
P–3.
Project Nos. 2251–000 and 001, New England Fish Company and Prince William Sound Aquaculture Corporation. Request for transfer of a license for a project that has been abandoned by the licensee.

II. Electric Rate Matters

ER–1.
Docket No. ER80–363–009, Delmarva Power and Light Company. Opinion on remand addressing the annualization by Delmarva Power and Light Company of its Indian River generating unit.
ER–2.
Docket No. ER82–769–001, Minnesota Power & Light Company. Opinion on an initial decision involving the coordination of transmission facilities and the determination of a system control and load dispatching rate.
ER–3.
Docket No. QF86–512–000, Nelson Industrial Steam Company. Application for certification as a qualifying cogeneration facility.

Miscellaneous Agenda

M–1.
Docket No. RM85–6–000, waiver of the water quality certification requirements of section 401(a)(1) of the Clean Water Act. Final rule.
M–2.
Reserved
M–3.
Reserved
M–4.
Docket No. RN87–3–000, annual charges under the Omnibus Budget Reconciliation Act of 1986. Notice of proposed rulemaking.
M–5.
Docket No. GP86–7–000, K N Energy, Inc. v. H. G. Westerman, Thomas J. Jeffrey, Joe Gray, Meredith Mallory, Jr., Althea B. Travis, Ralph M. Connell, Thomas E. Jeffrey, Carl A. Westerman and Loyle P. Miller. Order on complaint concerning NGPA section 315(b) rights (bona fide offer and right of first refusal).

I. Pipeline Rate Matters

RP–1.
(A) Docket Nos. RP86–32–002 and RP86–68–003, Northwest Central Pipeline Corporation. Order No. 436 rate settlement.
(B) Docket No. CP86–631–000, Northwest Central Pipeline Corporation. Order No. 436 blanket certificate application.
(C) Docket Nos. CI86–594–000 and CI86–596–000, Northwest Central Pipeline Corporation. Related limited-term abandonment and blanket certificate.
RP–2.
(A) Docket Nos. TA85–3–29–000, TA86–1–29–002, CP85–190–000, TA85–1–29–000, TA86–1–29–000, TA86–5–29–002, and RP83–137–000, Transcontinental Gas Pipe Line Corporation. Order No. 436 rate settlement.
(B) Docket No. CP86–405–000, Transcontinental Gas Pipe Line Corporation. Order No. 436 blanket certificate application.
(C) Docket No. CI86–293–000, Transcontinental Gas Pipe Line Corporation Docket No. CI86–297–000, Transco Gas Supply Company. Related limited-term abandonment.
(D) Docket Nos. CP87–37–000 and 001, Philadelphia Electric Company, complainant v. Transcontinental Gas Pipe Line Corporation, respondent and Columbia Gas Transmission Corporation, complainant v. Transcontinental Gas Pipe Line Corporation, respondent. Order on complaints concerning § 284.10 rights.
(E) Docket Nos. TA85–3–29–010, 011, 012, TA86–1–29–007, 008, CP85–190–004, 005, TA85–1–29–007, 008, TA86–5–29–008, 009, RP83–137–026 and 027, Transcontinental Gas Pipe Line Corporation. Order on rehearing concerning severed issue.

II. Producer Matters

CI–1.
Reserved.

III. Pipeline Certificate Matters

CP–1.
Docket Nos. CP76–492–037, CP85–282–000, 001 and CP85–845–003, Penn-York Energy Corporation and National Fuel Gas Supply Corporation. Proposed settlement of application for permanent certification of storage fields and request for approval of related rate and service schedules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–1739 Filed 1–23–87; 11:53 am]

BILLING CODE 6717–01–M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of January 26, February 2, 9 and 16, 1987.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open and Closed.

Matters to be considered:

Week of January 26

Tuesday, January 27

2:00 p.m.
Discussion of Pending Enforcement (Closed—Ex. 5 & 7)

Wednesday, January 28

2:30 p.m.
Status Briefing on Rancho Seco (Public meeting)

Thursday, January 29

2:00 p.m.
Periodic Briefing on Near Term Operating Licenses (NTOLs) (Open/Portion closed—Ex. 5 & 7)
3:30 p.m.
Affirmation/Discussion and Vote (Public meeting)
a. Final Rule on Licenses and Radiation Safety Requirements for Well Logging (New Part 39) (Tentative)
b. Final Rulemaking for Revisions to Operator Licensing—10 CFR 55 and Conforming Amendments (Tentative)

Friday, January 30

10:00 a.m.
Briefing on Final Version of Draft NUREG–1150 (Source Term) (Public meeting)
2:00 p.m.
Discussion/Possible Vote on Full Power Operating License for Byron–2 (Public meeting)

Week of February 2—Tentative

Thursday, February 5

2:00 p.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)
3:30 p.m.
Affirmation/Discussion and Vote (Public meeting) (if needed)

Friday, February 6

10:00 a.m.
Briefing on Chernobyl (Public meeting)

Week of February 9—Tentative

Thursday, February 12

10:00 a.m.
Meeting with Regional Administrators (Public meeting)
2:00 p.m.
Briefing on Advanced Reactor Designs (Public meeting)
3:30 p.m.
Affirmation/Discussion and Vote (Public meeting) (if needed)

Friday, February 13

10:00 a.m.
Briefing by GPUNC on Status of TMI–2 Cleanup (Public meeting)

Week of February 16—Tentative

Tuesday, February 17

10:00 a.m.
Briefing on Surry Incident (Public meeting)

Wednesday, February 18

2:00 p.m.
Briefing on Status of EEO Program (Public meeting)
3:30
Affirmation/Discussion and Vote (Public meeting) (if needed)

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING) (202) 634–1498.
CONTACT PERSON FOR MORE INFORMATION: Robert McOsker (202) 634–1410.

Robert B. McOsker,
Office of the Secretary.
January 22, 1987.

[FR Doc. 87–1775 Filed 1–23–87; 3:34 pm]
BILLING CODE 7590-01-M

federal register

Tuesday
January 27, 1987

Part II

The President

Radiation Protection Guidance to Federal Agencies for Occupational Exposure; Approval of Environmental Protection Agency Recommendations

Federal Register
Vol. 52, No. 17
Tuesday, January 27, 1987

Presidential Documents

Title 3—

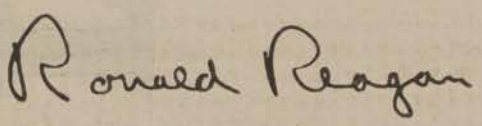
The President

Recommendations Approved by the President

Radiation Protection Guidance to Federal Agencies for Occupational Exposure

The recommendations concerning Federal radiation protection guidance for occupational exposure transmitted to me by the Administrator of the Environmental Protection Agency in the memorandum published below are approved. I direct that this memorandum be published in the **Federal Register**. To promote a coordinated and effective Federal program of worker protection, the Administrator is directed to keep informed of Federal agency actions to implement this guidance and to interpret and clarify these recommendations from time to time, as necessary, in coordination with affected Federal agencies. Consistent with existing authority, the Administrator may, when appropriate, consult with the Federal Coordinating Council for Science, Engineering and Technology. The Administrator may also, when appropriate, issue interpretations and clarifications in the **Federal Register**.

Approved: January 20, 1987



Billing code 3195-01-M

Memorandum for the President

FEDERAL RADIATION PROTECTION GUIDANCE FOR OCCUPATIONAL EXPOSURE

This memorandum transmits recommendations that would update previous guidance to Federal agencies for the protection of workers exposed to ionizing radiation. These recommendations were developed cooperatively by the Nuclear Regulatory Commission, the Occupational Safety and Health Administration, the Mine Safety and Health Administration, the Department of Defense, the Department of Energy, the National Aeronautics and Space Administration, the Department of Commerce, the Department of Transportation, the Department of Health and Human Services, and the Environmental Protection Agency. In addition, the National Council on Radiation Protection and Measurements (NCRP), the National Academy of Sciences (NAS), the Conference of Radiation Control Program Directors (CRCPD) of the States, and the Health Physics Society were consulted during the development of this guidance.

Executive Order 10831, the Atomic Energy Act, as amended, and Reorganization Plan No. 3 of 1970 charge the Administrator of the Environmental Protection Agency (EPA) to ". . . advise the President with respect to radiation matters, directly or indirectly affecting health, including guidance for all Federal agencies in the formulation of radiation standards and in the establishment and execution of programs of cooperation with States." This guidance has historically taken the form of qualitative and quantitative "Federal Radiation Protection Guidance." The recommendations transmitted here would replace those portions of previous Federal guidance (25 FR 4402), approved by President Eisenhower on May 13, 1960, that apply to the protec-

tion of workers exposed to ionizing radiation. The portions of that guidance which apply to exposure of the general public would not be changed by these recommendations.

These recommendations are based on consideration of (1) current scientific understanding of effects on health from ionizing radiation, (2) recommendations of international and national organizations involved in radiation protection, (3) proposed "Federal Radiation Protection Guidance for Occupational Exposure" published on January 23, 1981 (46 FR 7836) and public comments on that proposed guidance, and (4) the collective experience of the Federal agencies in the control of occupational exposure to ionizing radiation. A summary of the considerations that led to these recommendations is provided below. Public comments on the previously proposed guidance and a response to those comments are contained in the document "Federal Radiation Protection Guidance for Occupational Exposure—Response to Comments" (EPA 520/1–84–011). Single copies of this report are available from the Program Management Office (ANR–458), Office of Radiation Programs, U.S. Environmental Protection Agency, Washington, D.C. 20460; telephone (202) 475–8388.

Background

A review of current radiation protection guidance for workers began in 1974 with the formation of a Federal interagency committee by EPA. As a result of the deliberations of that committee, EPA published an "Advance Notice of Proposed Recommendations and Future Public Hearings" on September 17, 1979 (44 FR 53785). On January 23, 1981, EPA published "Federal Radiation Protection Guidance for Occupational Exposures; Proposed Recommendations, Request for Written Comments, and Public Hearings" (46 FR 7836). Public hearings were held in Washington, D.C. (April 20–23, 1981); Houston, Texas (May 1–2, 1981); Chicago, Illinois (May 5–6, 1981), and San Francisco, California (May 8–9, 1981) (46 FR 15205). The public comment period closed July 6, 1981 (46 FR 26557). On December 15, 1982, representatives of the ten Federal agencies noted above, the CRCPD, and the NCRP convened under the sponsorship of the EPA to review the issues raised in public comments and to complete development of these recommendations. The issues were carefully considered during a series of meetings, and the conclusions of the working group have provided the basis for these recommendations for revised Federal guidance.

EPA has also sponsored or conducted four major studies in support of this review of occupational radiation protection guidance. First, the Committee on the Biological Effects of Ionizing Radiations, National Academy of Sciences—National Research Council reviewed the scientific data on health risks of low levels of ionizing radiation in a report transmitted to EPA on July 22, 1980: "The Effects on Populations of Exposure to Low Levels of Ionizing Radiation: 1980," National Academy Press, Washington, D.C. 1980. Second, EPA has published two studies of occupational radiation exposure: "Occupational Exposure to Ionizing Radiation in the United States: A Comprehensive Summary for the Year 1975" (EPA 520/4–80–001) and "Occupational Exposure to Ionizing Radiation in the United States: A Comprehensive Review for the Year 1980 and Summary of Trends for the Years 1960–1985" (EPA 520/1–84–005). Third, the Agency sponsored a study to examine the changes in previously derived concentration limits for intake of radionuclides from air or water that result from use of up-to-date dosimetric and biological transport models. These are presented in Federal Guidance Report No. 10, "The Radioactivity Concentration Guides: A New Calculation of Derived Limits for the 1960 Radiation Protection Guides Reflecting Updated Models for Dosimetry and Biological Transport" (EPA 520/1–84–010). Finally, the cost of implementing the changes in Federal guidance proposed on January 23, 1981 was surveyed and the findings published in the two-volume report: "Analysis of Costs for Compliance with Federal Radiation Protection Guidance for Occupational Exposure: Volume I—Cost of Compliance" (EPA 520/1–83–013–1) and "Volume II—Case Study Analysis of the Impacts" (EPA 520/1–83–013–2). These EPA

reports are available from National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

The interagency review of occupational radiation protection has confirmed the need for revising the previous Federal guidance, which was promulgated in 1960. Since that time knowledge of the effects of ionizing radiation on humans has increased substantially. We now have a greatly improved ability to estimate risk of harm due to irradiation of individual organs and tissues. As a result, some of the old numerical guides are now believed to be less and some more protective than formerly. Other risks, specifically those to the unborn, are now considered to be more significant and were not addressed by the old guidance. These disparities and omissions should be corrected. Drawing on this improved knowledge, the International Commission on Radiological Protection (ICRP) published, in 1977, new recommendations on radiation protection philosophy and limits for occupational exposure. These recommendations are now in use, in whole or substantial part, in most other countries. We have considered these recommendations, among others, and believe that it is appropriate to adopt the general features of the ICRP approach in radiation protection guidance to Federal agencies for occupational exposure. In two cases, protection of the unborn and the management of long-term exposure to internally deposited radioactivity, we have found it advisable to make additions.

There are four types of possible effects on health from exposure to ionizing radiation. The first of these is cancer. Cancers caused by radiation are not different from those that have been historically observed, whether from known or unknown causes. Although radiogenic cancers have been observed in humans over a range of higher doses, few useful data are available for defining the effect of doses at normal occupational levels of exposure. The second type of effect is the induction of hereditary effects in descendants of exposed persons. The severity of hereditary effects ranges from inconsequential to fatal. Although such effects have been observed in experimental animals at high doses, they have not been confirmed in studies of humans. Based on extensive but incomplete scientific evidence, it is prudent to assume that at low levels of exposure the risk of incurring either cancer or hereditary effects is linearly related to the dose received in the relevant tissue. The severity of any such effect is not related to the amount of dose received. That is, once a cancer or an hereditary effect has been induced, its severity is independent of the doses. Thus, for these two types of effects, it is assumed that there is no completely risk-free level of exposure.

The third type includes a variety of effects for which the degree of damage (i.e., severity) appears to depend on the amount of dose received and for which there is an effective threshold below which clinically observable effects do not occur. An example of such an effect is radiation sickness syndrome, which is observed at high doses and is fatal at very high doses. Examples of lesser effects include opacification of the lens of the eye, erythema of the skin, and temporary impairment of fertility. All of these effects occur at relatively high doses. At the levels of dose contemplated under both the previous Federal guidance and these recommendations, clinically observable examples of this third type of effect are not known to occur.

The fourth type includes effects on children who were exposed *in utero*. Not only may the unborn be more sensitive than adults to the induction of malformations, cancer, and hereditary effects, but recent studies have drawn renewed attention to the risk of severe mental retardation from exposure of the unborn during certain periods of pregnancy. The risk of less severe mental retardation appears to be similarly elevated. Although it is not yet clear to what extent the frequency of retardation is proportional to the amount of dose (the data available at occupational levels of exposure are limited), it is prudent to assume that proportionality exists.

The risks to health from exposure to low levels of ionizing radiation were reviewed for EPA by the NAS in reports published in 1972 and in 1980.

Regarding cancer there continues to be divided opinion on how to interpolate between the absence of radiation effects at zero dose and the observed effects of radiation (mostly at high doses) to estimate the most probable effects of low doses. Some scientists believe that available data best support use of a linear model for estimating such effects. Others, however, believe that other models, which usually predict somewhat lower risks, provide better estimates. These differences of opinion have not been resolved to date by studies of the effects of radiation in humans, the most important of which are those of the Hiroshima and Nagasaki atom bomb survivors. Studies are now underway to reassess radiation dose calculations for these survivors and in turn to provide improved estimates of risk. It will be at least several years before these reassessments and estimates are completed, and it is not likely that they will conclusively resolve uncertainties in estimating low dose effects. EPA is monitoring the progress of this work. When it is completed we will initiate reviews of the risks of low levels of radiation, in order to provide the basis for any indicated reassessment of this guidance.

In spite of the above uncertainties, estimates of the risks from exposure to low levels of ionizing radiation are reasonably well bounded, and the average worker is believed to incur a relatively small risk of harm from radiation. This situation has resulted from a system of protection which combines limits on maximum dose with active application of measures to minimize doses within these limits. These recommendations continue that approach. Approximately 1.3 million workers were employed in occupations in which they were potentially exposed to radiation in 1980, the latest year for which we have comprehensive assessments. About half of these workers received no measurable occupational dose. In that year the average worker measurably exposed to external radiation received an occupational dose equivalent of 0.2 rem to the whole body, based on the readings of individual dosimeters worn on the surface of the body. We estimate (assuming a linear non-threshold model) the increased risk of premature death due to radiation-induced cancer for such a dose is approximately 2 to 5 in 100,000 and that the increased risk of serious hereditary effects is somewhat smaller. To put these estimated risks in perspective with other occupational hazards, they are comparable to the observed risk of job-related accidental death in the safest industries, wholesale and retail trades, for which the annual accidental death rate averaged about 5 per 100,000 from 1980 to 1984. The U.S. average for all industries was 11 per 100,000 in 1984 and 1985.

These recommendations are based on the assumption that risks of injury from exposure to radiation should be considered in relation to the overall benefit derived from the activities causing the exposure. This approach is similar to that used by the Federal Radiation Council (FRC) in developing the 1960 Federal guidance. The FRC said then, "Fundamentally, setting basic radiation protection standards involves passing judgment on the extent of the possible health hazard society is willing to accept in order to realize the known benefits of radiation." This leads to three basic principles that have governed radiation protection of workers in recent decades in the United States and in most other countries. Although the precise formulation of these principles has evolved over the years, their intent has continued unchanged. The first is that any activity involving occupational exposure should be determined to be useful enough to society to warrant the exposure of workers; i.e., that a finding be made that the activity is "justified". This same principle applies to virtually any human endeavor which involves some risk of injury. The second is that, for justified activities, exposure of the work force should be as low as reasonably achievable (commonly designated by the acronym "ALARA"); this has most recently been characterized as "optimization" of radiation protection by the International Commission on Radiological Protection (ICRP). Finally, to provide an upper limit on risk to individual workers, "limitation" of the maximum allowed individual dose is required. This is required above and beyond the protection provided by the first two principles because their primary objective is to minimize the total harm from occupational exposure in

the entire work force; they do not limit the way that harm is distributed among individual workers.

The principle that activities causing occupational exposure should produce a net benefit is important in radiation protection even though the judgment of net benefit is not easily made. The 1960 guidance says: "There should not be any man-made radiation exposure without the expectation of benefit resulting from such exposure . . ." And "It is basic that exposure to radiation should result from a real determination of its necessity." Advisory bodies other than the FRC have used language which has essentially the same meaning. In its most recent revision of international guidance (1977) the ICRP said ". . . no practice shall be adopted unless its introduction produces a positive net benefit," and in slightly different form the NCRP, in its most recent statement (1975) on this matter, said ". . . all exposures should be kept to a practicable minimum; . . . this principle involves value judgments based upon perception of compensatory benefits commensurate with risks, preferably in the form of realistic numerical estimates of both benefits and risks from activities involving radiation and alternative means to the same benefits."

This principle is set forth in these recommendations in a simple form: "There should not be any occupational exposure of workers to ionizing radiation without the expectation of an overall benefit from the activity causing the exposure." An obvious difficulty in making this judgment is the difficulty of quantifying in comparable terms costs (including risks) and benefits. Given this situation, informed value judgments are necessary and are usually all that is possible. It is perhaps useful to observe, however, that throughout history individuals and societies have made risk-benefit judgments, with their success usually depending upon the amount of accurate information available. Since more is known about radiation now than in previous decades, the prospect is that these judgments can now be better made than before.

The preceding discussion has implicitly focused on major activities, i.e., those instituting or continuing a general practice involving radiation exposure of workers. This principle also applies to detailed management of facilities and direct supervision of workers. Decisions on whether or not particular tasks should be carried out (such as inspecting control systems or acquiring specific experimental data) require judgments which can, in the aggregate, be as significant for radiation protection as those justifying the basic activities these tasks support.

The principle of reduction of exposure to levels that are "as low as reasonably achievable" (ALARA) is typically implemented in two different ways. First, it is applied to the engineering design of facilities so as to reduce, prospectively, the anticipated exposure of workers. Second, it is applied to actual operations; that is, work practices are designed and carried out to reduce the exposure of workers. Both of these applications are encompassed by these recommendations.* The principle applies both to collective exposures of the work force and to annual and cumulative individual exposures. Its application may therefore require complex judgments, particularly when tradeoffs between collective and individual doses are involved. Effective implementation of the ALARA principle involves most of the many facets of an effective radiation protection program: education of workers concerning the health risks of exposure to radiation; training in regulatory requirements and procedures to control exposure; monitoring, assessment, and reporting of exposure levels and doses; and management and supervision of radiation protection activities, including the choice and implementation of radiation control measures. A comprehensive radiation protection program will also include, as appropriate,

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* The recomendation that Federal agencies, through their regulations, operational procedures and other appropriate means, maintain doses ALARA is not intended to express, and therefore should not be interpreted as expressing, a view whether the ALARA concept should constitute a duty of care in tort litigation. Implementation of the ALARA concept requires a complex, subjective balancing of scientific, economic and social factors generally resulting in the attainment of average dose levels significantly below the maximum permitted by this guidance.

properly trained and qualified radiation protection personnel; adequately designed, operated, and maintained facilities and equipment; and quality assurance and audit procedures. Another important aspect of such programs is maintenance of records of cumulative exposures of workers and implementation of appropriate measures to assure that lifetime exposure of workers repeatedly exposed near the limits is minimized.

The types of work and activity which involve worker exposure to radiation vary greatly and are administered by many different Federal and State agencies under a wide variety of legislative authorities. In view of this complexity, Federal radiation protection guidance can address only the broad prerequisites of an effective ALARA program, and regulatory authorities must ensure that more detailed requirements are identified and carried out. In doing this, such authorities may find it useful to establish or encourage the use of 1) administrative control levels specifying, for specific categories of workers or work situations, dose levels below the limiting numerical values recommended in this guidance; 2) reference levels to indicate the need for such actions as recording, investigation, and intervention; and 3) local goals for limiting individual and collective occupational exposures. Where the enforcement of a general ALARA requirement is not practical under an agency's statutory authority, it is sufficient that an agency endorse and encourage ALARA, and establish such regulations which result from ALARA findings as may be useful and appropriate to meet the objectives of this guidance.

The numerical radiation protection guidance which has been in effect since 1960 for limiting the maximum allowed dose to an individual worker is based on the concept of limiting the dose to the most critically exposed part of the body. This approach was appropriate, given the limitations of scientific information available at that time, and resulted in a set of five independent numerical guides for maximum exposure of a) the whole body, head and trunk, active blood-forming organs, gonads, and lens of eye; b) thyroid and skin of the whole body; c) hands and forearms, feet and ankles; d) bone, and e) other organs. A consequence of this approach when several different parts of the body are exposed simultaneously is that only the part that receives the highest dose relative to its respective guide is decisive for limiting the dose.

Current knowledge permits a more comprehensive approach that takes into account the separate contributions to the total risk from each exposed part of the body. These recommendations incorporate the dose weighting system introduced for this purpose by the ICRP in 1977. That system assigns weighting factors to the various parts of the body for the risks of lethal cancer and serious prompt genetic effects (those in the first two generations); these factors are chosen so that the sum of weighted dose equivalents represents a risk the same as that from a numerically equal dose equivalent to the whole body. The ICRP recommends that the effective (i.e. weighted) dose equivalent incurred in any year be limited to 5 rems. Based on the public response to the similar proposal published by EPA in 1981 and Federal experience with comparable exposure limits, the Federal agencies concur. These recommendations therefore replace the 1960 whole body numerical guides of 3 rems per quarter and 5(N–18) rems cumulative dose equivalent (where N is the age of the worker) and associated critical organ guides with a limiting value of 5 rems effective dose equivalent incurred in any year. Supplementary limiting values are also recommended to provide protection against those health effects for which an effective threshold is believed to exist.

In recommending a limiting value of 5 rems in any single year, EPA has had to balance a number of considerations. Public comments confirmed that, for some beneficial activities, occasional doses aproaching this value are not reasonably avoidable. On the other hand, continued annual exposures at or near this level over substantial portions of a working lifetime would, we believe, lead to unwarranted risks. For this reason such continued annual exposures should be avoided, and these recommendations provide such guidance. As noted earlier, these recommendations also continue a system of protection which combines limiting values for maximum dose with a require-

ment for active application of measures to minimize doses—the ALARA requirement. This has resulted in steadily decreasing average annual doses to workers (most recently to about one-fiftieth of the recommended limiting value), and, to date, only a few hundred out of millions of workers have received planned cumulative doses that are a substantial fraction of the maximum previously permitted cumulative dose over an occupational lifetime. EPA anticipates that the continued application of the ALARA requirement, combined with new guidance on avoidance of large cumulative doses, will result in maintaining risks to all workers at low levels. EPA will continue to review worker doses with a view to initiating recommendations for any further modifications of the dose limitation system that are warranted by future trends in worker exposure.

Certain radionuclides, if inhaled or ingested, may remain in and continue to irradiate the body for many years. These recommendations provide that radionuclides should be contained so as to minimize intake, to the extent reasonably achievable. When avoidance of situations that may result in such intake is not practical, the recommendations distinguish between pre-exposure and post-exposure situations. With respect to the former, Federal agencies should base control of prospective internal exposure to radionuclides (e.g. facility design, monitoring, training, and operating procedures) upon the entire future dose that may result from any intake (the committed dose), not just upon the dose accured in the year of intake. This is to assure that, prior to exposure to such materials, proper account is taken of the risk due to doses in future years.

With respect to post-exposure situations, most significant internal exposure to radionuclides occurs as the result of inadvertent intakes. In the case of some long-lived radionuclides, it may also be difficult to measure accurately the small quantities corresponding to the recommended numerical guidance for control of committed doses. In such cases, when workers are inadvertently exposed or it is not otherwise possible to avoid intakes in excess of these recommendations for control of committed dose, it will be necessary to take appropriate corrective action to assure control has been reestablished and to properly manage future exposure of the worker. In regard to the latter requirement, provision should be made to continue to monitor the annual dose received from radionuclides in the body as long as they remain in sufficient amount to deliver doses significant compared to the limiting values for annual dose. These recommendations extend those of the ICRP, because it is appropriate to maintain active management of workers who exceed the guidance for committed dose in order that individual differences in retention of such materials in the body be monitored, and to assure, whenever possible, conformance to the limiting values for annual dose.

These recommendations also incorporate guidance for limiting exposure of the unborn as a result of occupational exposure of female workers. It has long been suspected that the embryo and fetus are more sensitive to a variety of effects of radiation than are adults. Although our knowledge remains incomplete, it has now become clear that the unborn are especially subject to the risk of mental retardation from exposure to radiation at a relatively early phase of fetal development. Available scientific evidence appears to indicate that this sensitivity is greatest during the period near the end of the first trimester and the beginning of the second trimester of pregnancy, that is, the period from 8 weeks to about 15 weeks after conception. Accordingly, when a woman has declared her pregnancy, this guidance recommends not only that the total exposure of the unborn be more limited than that of adult workers, but that the monthly rate of exposure be further limited in order to provide additional protection. Due to the incomplete state of knowledge of the transfer of radionuclides from the mother to the unborn (and the resulting uncertainty in dose to the unborn), in those few work situations where intake of radionuclides could normally be possible it may also be necessary to institute measures to avoid such intakes by pregnant women in order to satisfy these recommendations.

The health protection objectives of this guidance for the unborn should be achieved in accordance with the provisions of Title VII of the Civil Rights Act of 1964, as amended, with respect to discrimination in employment practices.* The guidance applies only to situations in which the worker has voluntarily made her pregnancy known to her employer. Protection of the unborn may be achieved through such measures as temporary job rotation, worker self-selection, or use of protective equipment. The guidance recognizes that protection of the unborn is a joint responsibility of the employer and worker. Workers should be informed of the risks involved and encouraged to voluntarily make pregnancies known as early as possible so that any temporary arrangements necessary to modify exposures can be made. Conversely, employers should make such arrangements in a manner that minimizes the impact on the worker.

The recommended numerical guidance for limiting dose to workers applies to the sum of dose from external and internal sources of radiation. This procedure is recommended so as to provide a single limit on the total risk from radiation exposure. Therefore, in those cases where both kinds of radiation sources are present, decisions about the control of dose from internal sources should not be made without equal consideration of their implication for dose from external sources.

The guidance emphasizes the importance of recordkeeping for annual, committed, and cumulative (lifetime) doses. Such recordkeeping should be designed to avoid burdensome requirements for cases in which doses are insignificant. Currently, regulatory records are not generally required for doses small compared to regulatory limits for annual external and internal doses. Under this guidance such regulatory practices would continue to be appropriate if due consideration is given to the implications of summing internal and external doses and to recordkeeping needs for assessing cumulative doses. To the extent reasonable such records should be established on the basis of individual dosimetry rather than on monitoring of exposure conditions.

In summary, many of the important changes from the 1960 guidance are structural. These include introduction of the concept of risk-based weighting of doses to different parts of the body and the use of committed dose as the primary basis for control of internal exposure. The numerical values of the guidance for maximum radiation doses are also modified. These changes bring this guidance into general conformance with international recommendations and practice. In addition, guidance is provided for protection of the unborn, and increased emphasis is placed on eliminating unjustified exposure and on keeping justified exposure as low as reasonably achievable, both long-standing tenets of radiation protection. The guidance emphasizes the importance of instruction of workers and their supervisors, monitoring and recording of doses to workers, and the use of administrative control and reference levels for carrying out ALARA programs.

These recommendations apply to workers exposed to other than normal background radiation on the job. It is sometimes hard to identify such workers because everyone is exposed to natural sources of radiation and many occupational exposures are small. Workers or workplaces subject to this guidance will be identified by the responsible implementing agencies. Agencies will have to use care in determining when exposure of workers does not need to be regulated. In making such determinations agencies should consider

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*The Civil Rights Act of 1964, as amended, provides that "It shall be an unlawful employment practice for an employer (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions or privileges of employment, because of such individual's . . . sex . . . or (2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's . . . sex . . ." [42 U.S.C. 2000e–2(a)]. The Pregnancy Discrimination Act of 1978 defines "because of sex" to include because of or on the basis of pregnancy, childbirth, or related medical conditions [42 U.S.C. 2000e(k)].

both the collective dose which is likely to be avoided through regulation and the maximum individual doses possible.

Implementation of these recommendations will require changes that can reasonably be achieved only over a period of time. It is expected that Federal agencies will identify any problem areas and provide adequate flexibility and the necessary transition periods to avoid undue impacts, while at the same time assuring reasonably prompt implementation of this new guidance.

Upon implementing these recommendations, occupational exposure should be reduced. It is not possible to quantify the overall exposure reduction that will be realized because it cannot be predicted how efficiently these recommendations will be implemented or how much of existing exposure is unnecessary. These recommendations reduce the maximum whole body dose that workers may receive in any one year by more than half (i.e., from 3 rems per quarter to 5 rems per year), require that necessary exposure to internal radioactivity be controlled on the basis of committed dose, require that internal and external doses be considered together rather than separately, and provide increased protection of the unborn. We also expect the strengthened and more explicit recommendations for maintaining occupational exposure "as low as reasonably achievable" will improve the radiation protection of workers. Finally, these recommendations would facilitate the practice of radiation protection by introducing a self-consistent system of limits in accordance with that in practice internationally.

Recommendations

The following recommendations are made for the guidance of Federal agencies in their conduct of programs for the protection of workers from ionizing radiation.

1. There should not be any occupational exposure of workers to ionizing radiation without the expectation of an overall benefit from the activity causing the exposure. Such activities may be allowed provided exposure of workers is limited in accordance with these recommendations.

2. No exposure is acceptable without regard to the reason for permitting it, and it should be general practice to maintain doses from radiation to levels below the limiting values specified in these recommendations. Therefore, it is fundamental to radiation protection that a sustained effort be made to ensure that collective doses, as well as annual, committed, and cumulative lifetime individual doses, are maintained as low as reasonably achievable (ALARA), economic and social factors being taken into account.

3. In addition to the above recommendations, radiation doses received as a result of occupational exposure should not exceed the *limiting values for assessed dose to individual workers* specified below. These are given separately for protection against different types of effects on health and apply to the sum of doses from external and internal sources of radiation. For cancer and genetic effects, the limiting value is specified in terms of a derived quantity called the effective dose equivalent. For other health effects, the limiting values are specified in terms of the dose equivalent [1] to specific organs or tissues.

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[1] "Dose equivalent" is the product of the absorbed dose, a quality factor which varies with the energy and type of radiation, and other modifying factors, as defined by the International Commission on Radiation Units and Measurements.

Cancer and Genetic Effects. The effective dose equivalent, H_E, received in any year by an adult worker should not exceed 5 rems (0.05 sievert).[2] The effective dose equivalent is defined as:

$$H_E = \sum_T w_T H_T ,$$

where w_T is a weighting factor and H_T is the annual dose equivalent averaged over organ or tissue T. Values of w_T and their corresponding [3] organs and tissues are:

Gonads	0.25
Breasts	0.15
Red bone marrow	0.12
Lungs	0.12
Thyroid	0.03
Bone surfaces	0.03
Remainder	0.30

For the case of uniform irradiation of the whole body, where H_T may be assumed the same for each organ or tissue, the effective dose equivalent is equal to the dose equivalent to the whole body.

Other Health Effects. In addition to the limitation on effective dose equivalent, the dose equivalent, H_T, received in any year by an adult worker should not exceed 15 rems (0.15 sievert) to the lens of the eye, and 50 rems (0.5 sievert) to any other organ, tissue (including the skin), or extremity [4] of the body.

Additional limiting values which apply to the control of dose from internal exposure to radionuclides in the workplace are specified in Recommendation 4. Continued exposure of a worker at or near the limiting values for dose received in any year over substantial portions of a working lifetime should be avoided. This should normally be accomplished through application of appropriate radiation protection practices established under Recommendation 2.

4. As the primary means for controlling internal exposure to radionuclides, agencies should require that radioactive materials be contained, to the extent reasonably achievable, so as to minimize intake. In controlling internal exposure consideration should also be given to concomitant external exposure.

The control of necessary exposure of adult workers to radioactive materials in the workplace should be designed, operated, and monitored with sufficient frequency to ensure that, as the result of intake of radionuclides in a year, the following *limiting values for control of the workplace* are satisfied: (a) the anticipated magnitude of the committed effective dose equivalent from such intake plus any annual effective dose equivalent from external exposure will not exceed 5 rems (0.05 sievert), and (b) the anticipated magnitude of the committed dose equivalent to any organ or tissue from such intake plus any annual dose equivalent from external exposure will not exceed 50 rems (0.5 sievert). The committed effective dose equivalent from internal sources of radiation, $H_{E,50}$, is defined as:

$$H_{E,50} = \sum_T w_T H_{T,50} ,$$

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[2] The unit of dose equivalent in the system of special quantities for ionizing radiation currently in use in the United States is the "rem." In the recently-adopted international system (SI) the unit of dose equivalent is the "sievert". One sievert = 100 rems.

[3] "Remainder" means the five other organs (such as liver, kidneys, spleen, brain, thymus, adrenals, pancreas, stomach, small intestine, upper large intestine, and lower large intestine, but excluding skin, lens of the eye, and extremities) with the highest doses. The weighting factor for each such organ is 0.06.

[4] "Extremity" means the forearms and hands, or the lower legs and feet.

where w_T is defined as in Recommendation 3 and the committed dose equivalent, $H_{T,50}$, is the sum of all dose equivalents to organ or tissue T that may accumulate over an individual's anticipated remaining lifetime (taken as 50 years) from radionuclides that are retained in the body. These conditions on committed doses should provide the primary basis for the control of internal exposure to radioactive materials.[5]

In circumstances where assessment of actual intake for an individual worker shows the above conditions for control of intake have not been met, agencies should required that appropriate corrective action be taken to assure control has been reestablished and that future exposure of the worker is appropriately managed. Provision should be made to assess annual dose equivalents due to radionuclides retained in the body from such intake for as long as they are significant for ensuring conformance with the limiting values specified in Recommendation 3.

5. Occupational dose equivalents to individuals under the age of eighteen should be limited to one-tenth of the values specified in Recommendations 3 and 4 for adult workers.

6. Exposure of an unborn child should be less than that of adult workers. Workers should be informed of currrent knowledge of risks to the unborn[6] from radiation and of the responsibility of both employers and workers to minimize exposure of the unborn. The dose equivalent to an unborn as a result of occupational exposure of a woman who has declared that she is pregnant should be maintained as low as reasonably achievable, and in any case should not exceed 0.5 rem (0.005 sievert) during the entire gestation period. Efforts should be made to avoid substantial variation above the uniform monthly exposure rate that would satisfy this limiting value. The limiting value for the unborn does not create a basis for discrimination, and should be achieved in conformance with the provision of Title VII of the Civil Rights Act of 1964, as amended, regarding discrimination in employment practices, including hiring, discharge, compensation, and terms, conditions, or privileges of employment.

7. Individuals occupationally exposed to radiation and managers of activities involving radiation should be instructed on the basic risks to health from ionizing radiation and on basic radiation protection principles. This should, as a minimum, include instruction on the somatic (including *in utero*) and genetic effects of ionizing radiation, the recommendations set forth in Federal radiation protection guidance for occupational exposure and applicable regulations and operating procedures which implement this guidance, the general levels of risk and appropriate radiation protection practices for their work situations, and the responsibilities of individual worker to avoid and minimize exposure. The degree and type of instruction that is appropriate will depend on the potential radiation exposures involved.

8. Appropriate monitoring of workers and the work place should be performed and records kept to ensure conformance with these recommendations. The types and accuracy of monitoring methods and procedures utilized should be periodically reviewed to assure that appropriate techniques are being competently applied.

Maintenance of a cumulative record of lifetime occupational does for each worker is encouraged. For doses due to intake of radioactive materials, the committed effective dose equivalent and the quantity of each radionuclide in the body should be assessed and recorded, to the extent practicable. A summary of annual, cumulative, and committed effective dose equivalents should be provided each worker on no less than an annual basis; more

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[5] When these conditions on intake of radioactive materials have been satisfied, it is not necessary to assess contributions from such intakes to annual doses in future years, and, as an operational procedure, such doses may be assigned to the year of intake for the purpose of assessing compliance with Recommendation 3.

[6] The term "unborn" is defined to encompass the period commencing with conception and ending with birth.

detailed information concerning his or her exposure should be made available upon the worker's request.

9. Radiation exposure control measures should be designed, selected, utilized, and maintained to ensure that anticipated and actual doses meet the objectives of this guidance. Establishment of administrative control levels[7] below the limiting values for control may be useful and appropriate for achieving this objective. Reference levels[8] may also be useful to determine the need to take such actions as recording, investigation, and interventions. Since such administrative control and reference levels will often involve ALARA considerations, they may be developed for specific categories of workers or work situations. Agencies should encourage the establishment of measures by which management can assess the effectiveness of ALARA efforts, including, where appropriate, local goals for limiting individual and collective occupational doses. Supervision should be provided on a part-time, full-time, or task-by-task basis as necessary to maintain effective control over the exposure of workers.

10. The numerical values recommended herein should not be deliberately exceeded except during emergencies, or under unusual circumstances for which the Federal agency having jurisdiction has carefully considered the reasons for doing so in light of these recommendations. If Federal agencies authorize dose equivalents greater than these values for unusual circumstances, they should make any generic procedures specifying conditions under which such exposures may occur publicly available or make specific instances in which such authorization has been given a matter of public record.

The following notes are provided to clarify application of the above recommendations:

1. Occupational exposure of workers does not include that due to normal background radiation and exposure as a patient of practitioners of the healing arts.

2. The existing Federal guidance (34 FR 576 and 36 FR 12921) for limiting exposure for underground miners to radon decay products applies independently of, and is not changed by, these recommendations.

3. The values specified by the International Commission on Radiological Protection (ICRP) for quality factors and dosimetric conventions for the various types of radiation, the models for reference persons, and the results of their dosimetric methods and metabolic models may be used for determing conformance to these recommendations.

4. "Annual Limits on Intake" (ALIs) and/or "Derived Air Concentrations" (DACs) may be used to limit radiation exposure from intake of or immersion in radionuclides. The ALI or DAC for a single radionuclide is the maximum intake in a year or average air concentration for a working year, respectively, for a reference person that, in the absence of any external dose, satisfies the conditions on committed effective dose equivalent and committed dose equivalent of Recommendation 4. ALIs and DACs may be derived from different chemical or physical forms of radioactive materials.

5. The numerical values provided b these recommendations do not apply to workers responsible for the management of or response to emergencies.

These recommendations would replace those portions of current Federal Radiation Protection Guidance (25 FR 4402) that apply to the protection of workers from ionizing radiation. It is expected that individual Federal agencies, on the basis of their knowledge of specific worker exposure situations,

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[7] Administrative control levels are requirements determined by a competent authority of the management of an institution or facility. They are not primary limits, and may therefore be exceeded, upon approval of competent authority or management, as situations dictate.

[8] Reference levels are not limits, and may be expressed in terms of any useful parameter. They are used to determine a course of action, such as recording, investigation, or intervention, when the value of a parameter exceeds, or is projected to exceed, the reference level.

will use this new guidance as the basis upon which to revise or develop detailed standards and regulations to the extent that they have regulatory or administrative jurisdiction. The Environmental Protection Agency will keep informed of Federal agency actions to implement this guidance, and will issue any necessary clarifications and interpretations required to reflect new information, so as to promote the coordination necessary to achieve an effective Federal program of worker protection.

If you approve the foregoing recommendations for the guidance of Federal agencies in the conduct of their radiation protection activities, I further recommend that this memorandum be published in the **Federal Register.**

Lee M. Thomas,

Administrator, Environmental Protection Agency.

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Tuesday
January 27, 1987

Part III

Environmental Protection Agency

40 CFR Part 370

Hazardous Chemical Reporting; Emergency Planning and Community Right-to-Know Programs; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 370

[SH H-FRL-3137-7]

Hazardous Chemical Reporting; Emergency Planning and Community Right-to-Know Programs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Section 312 of the Superfund Amendments and Reauthorization Act of 1986 (SARA), signed into law on October 17, 1986, requires the Administrator to publish a uniform format for emergency and hazardous chemical inventory forms within three months. Under sections 311 and 312 of SARA, facilities required to prepare or have available a material safety data sheet (MSDS) under the Occupational Safety and Health Act (OSHA) and its implementing regulations must submit the MSDS and the inventory forms to local and State officials. These reporting provisions provide public access to information on hazardous chemicals present in the local community for a wide variety of uses including emergency response and environmental and public health planning priorities. The purpose of this proposed rule is to publish for comment the inventory forms and propose regulations to implement the MSDS and inventory reporting requirements.

DATES: Written comments should be submitted on or before March 30, 1987.

If this proposed rule is adopted as a final rule, effective dates relevant to the rule would include the following:

1. Initial submission of material safety data sheets or alternative list: October 17, 1987.

2. Initial submission of the inventory form containing Tier I information: March 1, 1988.

ADDRESSES: Comments: Written comments should be submitted in triplicate to Preparedness Staff, Superfund Docket Clerk, Attention: Docket Number 300PQ-IF, Superfund Docket Room Lower Garage, U.S. Environmental Protection Agency, Mail Stop WH-548D, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Kathleen Brody, Program Analyst, Preparedness Staff, Office of Solid Waste and Emergency Response, WH-548, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, or the Chemical Emergency Preparedness Program Hotline at 1-800/535-0202; in Washington, DC at 1-202/479-2449.

SUPPLEMENTARY INFORMATION: The contents of today's preamble are listed in the following outline:

I. Introduction

A. Statutory Authority

These proposed regulations are issued under Title III of the Superfund Amendments and Reauthorization Act of 1986, (Pub. L. 99-499), ("SARA" or "the Act"). Title III of SARA is known as the Emergency Planning and Community Right-To-Know Act of 1986.

B. Background

1. Superfund Amendments and Reauthorization Act of 1986 (SARA)

On October 17, 1986, the President signed into law the Superfund Amendments and Reauthorization Act of 1986 ("SARA") which revises and extends the authorities established under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"). Commonly known as "Superfund", CERCLA provides authority for federal cleanup of hazardous substances sites and response to releases of hazardous substances. Title III of SARA establishes new authorities for emergency planning and preparedness, community right-to-know reporting, and toxic chemical release reporting.

2. Title III

Title III of SARA, also know as the "Emergency Planning and Community Right-To-Know Act of 1986", is intended to encourage and support emergency planning efforts at the State and local level and provide citizens and local governments with information concerning potential chemical hazards present in their communities.

Title III is organized into three subtitles. Subtitle A establishes the framework for state and local emergency planning. Subtitle B provides the mechanism for community awareness with respect to hazardous chemicals present in the locality. This information is critical for effective local contingency planning. Subtitle B includes requirements for the submission of material safety data sheets and emergency and hazardous Chemical inventory forms to State and local governments, and the submission of toxic chemical release forms to the States and EPA. Subtitle C contains general provisions concerning trade secret protection, enforcement, citizen suits, and public availability of information.

3. Subtitle B

Subtitle B of Title III is primarily concerned with providing information to appropriate local, State, and Federal officials on the type, amount, location, use, disposal and release of chemicals at certain facilities.

Subtitle B contains three reporting provisions. Section 311 requires facilities subject to the Occupational Safety and Health Act of 1970 (OSHA) and regulations promulgated under that Act (15 USC 651 et seq.) to submit material safety data sheets (MSDS), or a list of the chemicals for which the facility is required to have an MSDS, to local emergency planning committees, State emergency response commissions and local fire departments. The facilities are required to submit the MSDS or alternative list by October 17, 1987.

Under section 312, facilities which must submit an MSDS under section 311 are also required to submit additional information on the chemicals present at the facility. Beginning March 1, 1988, and annually thereafter, the owner or operator of such a facility must submit an inventory form containing an estimate of the maximum amount of hazardous chemicals present at the facility during the preceding year, an estimate of the average daily amount of hazardous chemicals at the facility, and

the location of these chemicals at the facility.

Section 313 requires that certain facilities with ten or more employees, which manufacture, process or use a "toxic chemical" in excess of a statutorily-prescribed quantity, submit annual information on the chemical and releases of the chemical into the environment. This information must be submitted to EPA and to the appropriate State offices beginning on July 1, 1988. EPA is required under section 313(i) to establish a national toxic chemical inventory data base for the management of this data and to publish a reporting format by June 1, 1987.

4. Section 311

Facilities which are required to prepare or have available an MSDS for a hazardous chemical under OSHA and regulations promulgated under that Act (15 U.S.C. 651 et seq.) are subject to sections 311 and 312.

Section 311 requires facilities to submit an MSDS for each chemical for which the facility is required to have an MSDS, or a list of such chemicals, to the local emergency planning committee, the State emergency response commission, and the local fire department. This is a one-time reporting requirement which is due October 17, 1987. If the owner/operator submits a list of chemicals, the MSDS for any chemical on the list must be submitted to the local emergency planning committee, upon the local committee's request. However, updates to the list or the MSDS submission are due within three months after the owner/operator of a facility is first required to prepare or have available an MSDS for a specific hazardous chemical under OSHA regulations. Additionally, if there is significant new information on an MSDS which was previously submitted, a revised MSDS must be submitted. Section 311(c) provides public access to this information through the local emergency planning committee.

Under section 311(b) the Administrator has the authority to establish threshold quantities for hazardous chemicals below which no facility is subject to the MSDS reporting requirements under Title III. Today's proposal sets forth threshold quantities and regulations implementing the section 311 reporting requirements.

5. Section 312

The owner or operator of a facility required to submit an MSDS or list of chemicals under section 311 is also subject to the provisions of section 312.

Section 312(a) requires owners or operators of such facilities to submit an emergency and hazardous chemical inventory form (hereafter referred to as "inventory form") to the appropriate local emergency planning committee, State emergency response commission, and local fire department on or before March 1, 1988, and annually thereafter on March 1. Section 312 specifies that there be two reporting "tiers" containing information on hazardous chemicals at the facility in different levels of detail. "Tier I", containing general information on the amount and location of hazardous chemicals by category, is submitted annually. "Tier II", containing more detailed information on individual chemicals, is submitted upon request. The public has access to Title III information through the State emergency response commission and local emergency planning committee.

Under section 312(d)(1)(C), EPA may modify the Tier I reporting categories (the OSHA physical and health hazard categories) by requiring information to be reported in groups of chemicals which present similar hazards in an emergency or by requiring reporting on individual hazardous chemicals of special concern to emergency response personnel. EPA is authorized under section 312(b) to establish threshold quantities belows which no inventory form reporting is required. Under section 312(g), EPA must publish forms for the submission of Tier I and Tier II information within three months of the enactment of SARA, January 17, 1987. If EPA fails to publish the forms, the owner/operator must submit the information by letter. In today's rule, EPA publishers these forms and proposes regulations implementing the requirements of section 312.

II. Analysis of the Proposed Rule and Forms

A. Reporting Requirements Under Sections 311 and 312

1. Reporting Obligations

Title III prescribes two reporting requirements in support of "community right-to-know" at the State and local level. Section 311 requires the owner/operator of facilities that are required to prepare or have available an MSDS under OSHA's regulations to submit the MSDS, or a list of all chemicals present at the facility for which an MSDS is required, to the State emergency response commission, the local emergency planning committee, and the local fire department.

If the facility submits a list of chemicals, section 311(a)(2) specifies that the list include the chemical name or common name of the chemical and any hazardous component as provided on the MSDS. The list of chemicals must be grouped in categories of physical and health hazards set forth under OSHA regulations. In addition, under section 311(c)(1), a facility which submits a list of chemicals in lieu of an MSDS for each chemical must submit the MSDS upon request of the local emergency planning committee. Although facilities may meet the section 311 reporting requirements through submission either of a list or the actual MSDS, the Agency encourages facilities to exercise the list option whenever possible. List reporting reduces the information management burden on recipients of the information. In addition, the list may facilitate management of the section 312 information since it can be used by recipients as an index to the Tier I report. Moreover, under section 303(d), the local emergency planning committee may require submission of such a list where necessary for developing and implementing the emergency plan.

For mixtures of hazardous chemicals, under section 311(a)(3) an owner or operator may meet the reporting requirement by submitting an MSDS for, or by identifying on a list, each element or compound in the mixture which is a hazardous chemical, or by submitting an MSDS for, or identifying on a list, the mixture itself. If the element or compound option is selected and is contained in more than one mixture, only one MSDS or listing is necessary. The option selected for the reporting of a mixture under section 311 must also be followed for Tier I reporting under section 312.

Under section 311(d), the owner or operator of a facility subject to section 311 must submit the MSDS or list within twelve months after the date of enactment of SARA, October 17, 1987, or within three months after the owner/operator is first required to prepare or have available an MSDS for a certain chemical under OSHA, whichever is later. Within three months of a discovery by an owner/operator of significant new information concerning a hazardous chemical for which an MSDS was previously submitted, a revised MSDS must be submitted.

Section 311 provides public access to any MSDS submitted under section 311. Persons may request the MSDS of any facility from the local emergency planning committee. If the MSDS is unavailable, the local committee is to request the owner or operator of the facility to submit the MSDS.

Section 312 requires the owner/operator of the same facilities to submit an emergency and hazardous chemical inventory form to the same three entities that receive the section 311 information.

This is a two-tier reporting requirement. The first tier (Tier I) includes aggregate information on the maximum and average daily amounts and general location of hazardous chemicals at the facility, reported by the categories established under OSHA. The form containing Tier I information must be submitted to the State Commission, local committee and fire department annually beginning March 1, 1988, and will contain data with respect to the preceding calendar year.

Section 312 also provides for the submission of more detailed information from the facility in the form of a response to a request by State and local officials for Tier II information. Upon the request of a State emergency planning commission, a local emergency planning committee, or a local fire department with jurisdiction over the facility, section 312(e) requires the owner/operator of a facility to provide Tier II information to the person making the request. Tier II is chemical-specific and more detailed with respect to location and manner of storage of the chemical than Tier I. Other State and local officials may have access to Tier II information through the State emergency response commission or the local emergency planning committee.

Under section 312(e)(3), any person may make a request to the State emergency response commission or the local emergency planning committee for Tier II information from a specific facility relating to the preceding calendar year. If the information is in the possession of the State commission or the local committee, the information is to be made available to the requestor. If the information is not in the possession of the State commission or local committee that received the request, the State commission or local committee must request Tier II information from the facility concerning chemicals stored in excess of 10,000 pounds at anytime during the preceding calendar year. To obtain Tier II information on other chemicals at the facility, the requestor must submit a general statement of need with the request. The local emergency planning committee or State emergency response commission may then request such Tier II information from the facility if it chooses to do so. All Tier II information obtained by the State commission or local committee is to be made available to the public, including the person requesting such information. However, upon request by an owner/operator of a facility, location information on specific chemicals will be withheld from public disclosure.

Failure to comply with section 311 or 312 requirements may subject the owner or operator to assessment of civil and administrative penalties under section 325, or citizen suit enforcement under section 326.

States or local communities may under their own laws or ordinances require submission of information from owners or operators which is supplemental or additional to the information required under sections 311 and 312. Section 321 preserves State and local information submission requirements except that any MSDS required from facility owners or operators under State or local law enacted after August 1, 1985 must be identical in form and content to the MSDS required under section 311. For either MSDS or inventory reporting under section 312, a State or local community may require the submission of additional sheets attached to the MSDS or inventory form.

2. Program Scope

a. *Definition of key terms and exclusions.* The "community right-to-know" reporting requirements under section 311 and 312 are applicable to any "facility" which is required to prepare or have available an MSDS for a "hazardous chemical" under OSHA and regulations issued under that Act. Thus, these reporting requirements apply to any person who is the owner or operator of: (1) A "facility", (2) at which a "hazardous chemical" is present, and (3) for which an MSDS is required under OSHA regulations.

"Facility" for the purposes of Title III, is defined as "all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with, such person)."

For purposes of section 311 and 312, the term "hazardous chemical" has the meaning given by the OSHA regulations at § 1910.1200(c) except as discussed below. OSHA regulations define a hazardous chemical as "any chemical which is a physical hazard or a health hazard."

Section 1910.1200(b) of the OSHA regulations currently provides the following exceptions:

(i) Any hazardous waste as such term is defined by the Solid Waste Disposal Act, as amended (42 U.S.C. 6901 et seq.) when subject to regulations issued under that Act;

(ii) Tobacco or tobacco products;

(iii) Wood or wood products;

(iv) "Articles"—defined under § 1910.1200(b) as a manufactured item:

—Which is formed to a specific shape or design during manufacture;

—Which has end use function(s) dependent in whole or in part upon the shape or design during end use; and

—Which does not release, or otherwise result in exposure to a hazardous chemical under normal conditions of use.

(v) Foods, drugs, or cosmetics intended for personal consumption by employees while in the workplace. In addition, section 311(e) excludes the following:

(i) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration;

(ii) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use;

(iii) Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public;

(iv) Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual;

(v) Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer. There are clearly some areas of overlap between the two sets of exceptions and a combined list is included in instructions to the reporting formats published today for the convenience of the user.

Currently, the OSHA MSDS regulations are applicable to chemical manufacturers and importers and all employers in SIC Codes 20 through 39. These codes include only manufacturing industries. However, any facility that has manufacturing activity is subject to their requirements even if the facility falls into more than one SIC code. In addition, facilities outside the manufacturing sector will be subject to the requirements of sections 311 and 312 if and when OSHA MSDS requirements are revised to apply to additional types of facilities.

b. *Threshold levels for reporting.* Under section 311(b), the Administrator may establish threshold quantities for hazardous chemicals below which a facility would be exempted from the MSDS reporting requirement under section 311. A section 311 threshold

automatically becomes a threshold for inventory reporting under section 312 since section 312(c) limits inventory reporting to chemicals for which an MSDS or alternative list is required under section 311. Section 312(b) also enables the Administrator to establish higher threshold levels for inventory reporting.

EPA evaluated several options for establishing thresholds for reporting under section 311 and 312, including the option of choosing not to set a threshold for reporting. The Agency is proposing today to establish a threshold for reporting under section 311, which through section 312(c) also establishes a threshold for inventory reporting under section 312. EPA is proposing to establish a phase-in threshold, but is also considering establishing a permanent threshold for reporting and requests comments on both approaches. No higher threshold level is proposed today under section 312(b). The reasons for establishing a reporting threshold, the proposed threshold regulation, and a brief description of the other reporting threshold quantity options considered by the Agency are discussed below.

The legislative history for Title III, as well as comments from a limited number of State and local officials and citizens' organizations, indicate that there are competing concerns underlying the Title III community right-to-know reporting provisions.

First, the underlying premise of community right-to-know is broad access of individuals and local officials to complete information concerning all chemicals that may pose physical or health hazards to their communities. The need for broad access is heightened by the potentially large number of user groups, ranging from State and local emergency responders, fire and health departments and local planners to local community organizations and the general public. The information needs of these varied groups are not necessarily the same, nor are the interests of any given group uniform for all communities.

Second, there is a serious concern that these provisions, particualrly MSDS reporting under section 311, will flood local communities and State agencies with an unmanageable amount of information. The universe of "hazardous chemicals", as defined by OSHA, includes tens of thousands of chemicals and mixtures, which vary greatly in degree and type of hazard. Estimates indicate that there are approximately 350,000 facilities currently required to have an MSDS; there are an additional several million facilities outside the manufacturing sector that may be covered by section 311 as a result of revision of the OSHA regulations. In addition, some facilities may individually maintain thousands of MSDS sheets. State and local officials emphasize that the usefulness of right-to-know reporting lies in the manageability of the information received and that effective information management, particularly the establishment of a computerized data base, will take some time to develop. Creating an overwhelming paper burden for State and local officials could thus greatly reduce in the short and long term, both the usefulness and the accessibility of the information received.

In the threshold quantity regulation that is being proposed today, EPA has attempted to balance this interest of the public under Title III in having access to complete chemical information with the need to provide a viable information base, in both the short and the long term. There are three primary aspects of today's threshold quantity proposal. First, thresholds for mandatory MSDS submissions and Tier I reports are phased in over three years. In the first year a threshold of 10,000 pounds is used, thus substantially reducing the amount of information which States and local communities must handle. In the second year the threshold drops to 500 pounds (the approximate weight of a standard 55-gallon drum) triggering additional MSDS and Tier I submissions. In the third year, the regulation would specify that thresholds be eliminated, i.e., that any quanity be reported. The purpose of the "phase-in" approach is to give State and local communities time to establish data management programs, while ensuring during the interim that they are alerted to the presence of any large quantities of hazardous chemicals.

Second, in order to ensure that the public has information on substances of particular concern for emergency planning, the extremely hazardous substance list, required by Section 302 of Title III, published in the **Federal Register** on November 17, 1986 (51 FR 41570) would have no threshold.

Finally, the proposal preserves the interest of the public in having access to information, notwithstanding the threshold reporting quantities established for the first two years. Under the proposed regulation, the threshold levels do not apply to requests for information made by the local emergency planning committees. Thus, any individual may, prior to the elimination of reporting thresholds, obtain through the local committee MSDS or inventory information on chemicals present at any facility. In this way, the public retains access to this information even though its submission is not otherwise required during the phase-in period. The local committee may organize public requests for additional information in any appropriate manner.

EPA also considered establishing uniform thresholds for all chemicals without a phase-in period. The uniform thresholds considered included small amounts (e.g., 2 pounds or 5 pounds), standard container size (500 pounds) and 10,000 pounds. As discussed above, in evaluating alternative thresholds, EPA must consider both the need to produce a manageable data set and the hazardous nature of the chemicals. A uniform threshold has the advantage of reducing the number of reports and so enhancing the usefulness of the reported information. Because of concerns about information management, cost, and paperwork burden, EPA is interested in the identification of a permanent threshold for reporting combined with access to information below the threshold upon request. Establishment of a permanent threshold may be of particular importance considering the number of chemicals subject to section 311 and 312 reporting. The number of hazardous chemicals, which may be as high as 500,000, far exceeds the number of extremely hazardous substances for which EPA has recently published threshold planning quantities and the substances which have reportable quantities under CERCLA. However, this time, EPA does not have sufficient data to support establishment of a threshold which takes into consideration the hazardous nature of all of these chemicals. Therefore, EPA rejected this option in developing today's proposal, but solicits comment, and any supporting data, on whether EPA should establish permanent thresholds, for which chemicals, and at what levels.

EPA considered other alternatives to the proposed approach. One option was to establish no threshold, ensuring maximum receipt of information by State and local officials. The advantage of this approach is that it potentially provides immediate access to complete information on hazardous chemicals in the community. EPA rejected that option because the resulting paperwork burden on State and local agencies may actually result in a reduced access to valuable information and may prevent the development of viable long-term management systems for the community right-to-know programs. The phase-in approach is, thus, preferred to no threshold because it provides additional time for States and localities to adjust to increased data management demands.

By spreading the paperwork over several years, the phase-in approch provides early information on the expected size of the administrative burden and on how best to manage the data to suit the emerging needs of user groups.

Another option that was considered was modifying the phase-in approach to include a lower cutoff in the first year, e.g., 1,000 pounds for the first two years, and no threshold in the final year. Although this provides more information in the first year, it also provides a smaller reduction in reports during that year than the proposed option. This could decrease the incentive for facilities to use the phase-in and thus make the option less useful for recipients of the information.

EPA also considered several other options which involve more explicit evaluation of the hazardous natures of the chemicals, including setting thresholds uniformly for chemicals within a category (but varying the threshold across categories), and setting thresholds by individual chemical. Similarly, the Agency considered setting thresholds based on facility type or SIC codes based on employment (*e.g.*, lower thresholds for smaller business), or based on chemical uses (*e.g.*, fuels, medicines used in health care facilities, or intermediate products). While many of these groups are not currently covered by Title III, due to the present scope of the OSHA regulations, they were considered because they may be covered by OSHA regulations in the future.

The difficulty with these approaches is that the level of risk associated with a chemical depends on a variety of chemical and site specific factors, including the identity of the chemical involved, the nature of the site, and the specific type of accident (*e.g.*, fire, leakage) or other cause of the exposure. In addition, the quantity of the chemical that could be hazardous hinges on whether the risks to emergency personnel or those to the community at large are being evaluated. Thus, an option under which thresholds are set based on the hazardous nature of the chemicals was rejected due to the difficulty of determining cutoffs that adequately reflect the health and physical hazards posed by the chemical.

In addition, a chemical-specific approach was rejected due to the large number of hazardous chemicals for which a threshold must be established. Establishing thresholds based on number of facility employees or sales volume was also rejected largely because small businesses may be the facilities about which fire departments know little and are, therefore, more concerned.

EPA also considered setting a low or no threshold for MSDS reporting and a higher threshold for Tier I reporting under section 312. The advantage of this approach is that it provides access to information on all chemicals present while reducing the burden of providing more detailed reports under section 312. This approach was rejected because it introduced additional complexities into the program in exchange for a relatively minor reduction in paperwork burden.

EPA solicits comments on the proposed threshold reporting quantity regulation, as well as on alternatives discussed above or on suggestions for any other approach to establishing thresholds. The Agency specifically requests comments on the following issues:

(1) Is the phase-in approach appropriate? Is the phase-in period, i.e., three years, long enough?

(2) Are the thresholds for each year appropriate?

(3) Should the threshold be entirely eliminated in the last year as proposed or is some permanent threshold level appropriate? If a permanent level is more appropriate, what should this threshold level be? Should there be different levels of thresholds for different chemicals? What methodologies could be used to establish appropriate thresholds for all hazardous chemicals? What data supports these approaches?

(4) Is the concept of access to all information below the threshold upon request of the local committee appropriate?

(5) Should the threshold regulation contain an exception for extremely hazardous substances, as proposed? Should there be additional exceptions (*e.g.*, CERCLA hazardous substance list, or the chemicals identified by Section 313 of Title III)?

(6) Should a higher threshold be established under Section 312?

3. Categories for Reporting

Section 311 list reporting and section 312 Tier I reporting requirements are based upon the categories established under OSHA regulations for grouping chemicals by particular physical and health hazards. There are currently 23 such categories. To facilitate the usefulness of reporting under these provisions, the Administrator may modify the categories of health and physical hazards set forth under OSHA regulations by requiring information to be reported in terms of groups of hazardous chemicals which present similar hazards in the emergency. Additionally, for Tier I reporting, the Administrator may require reporting on individual hazardous chemicals of special concern to emergency response personnel.

EPA has received several proposals for modification of the OSHA categories to date, including use of the eight Department of Transportation hazard labeling categories. The advantage to this option is that emergency response personnel are already familiar with these categories. Another approach would be to establish two health hazard categories; immediate (acute) hazards and delayed (chronic) hazards, and three physical hazard categories; fire hazards, sudden release of pressure hazard, and reactivity hazards.

The Agency is not proposing any specific modification to the 23 OSHA categories at this time. However, EPA recognizes that a smaller number of reporting categories may facilitate the manageability of the information and enhance its usefulness, particularly since information on chemicals which present more than one hazard must be provided in all applicable categories. For this reason, the Agency is soliciting comments on these and additional approaches for modification or reporting categories including the approaches described above.

4. Relationship of Final Form to Section 312(g)

Section 312(g) of Title III requires the Administrator to publish a uniform format for inventory forms by January 17, 1987. If the Administrator does not publish such forms, section 312(g) requires owners and operators of facilities to provide the section 312 inventory information by letter.

Although with this proposal EPA meets the publication requirement under section 312(g), the Agency expects minor changes to the forms published today as a result of public comment on this rule. EPA intends to publish a final form well in advance of the initial Tier I reporting, which is due on March 1, 1988. For that reason, the content of these proposed formats generally includes only information specified by the statute. Owners and operators of facilities subject to the section 312 reporting requirement should submit the revised forms published in the final rule in lieu of the form published today.

B. Format of Forms

EPA requests comments on the design and content of the Tier I and Tier II forms and evaluations. In particular, EPA requests comments on whether average daily quantity, as reported on

the Tier I and Tier II forms, should reflect an annual average or an average for those days during the year when the hazardous chemical is actually on site. The Agency also requests comment on whether the ranges for reporting are too narrow or too broad.

The Agency designed the Tier II form to serve three purposes: (1) A worksheet for preparation of the mandatory Tier I format, (2) the format for response to specific Tier II requests, (3) a substitute for the Tier I format.

Although the main purpose of the Tier II form is to provide Tier II information in response to a request, EPA has attempted to provide a form that facilities might find convenient to use in developing and reporting the Tier I information as well.

C. General Solicitation of Public Comment

EPA solicits comments on all aspects of today's proposal, and specifically requests comments on appropriate threshold levels for both MSDS and inventory reporting and revisions of the OSHA hazard categories. EPA also solicits comments on the content, layout and instructions for the Tier I and Tier II forms for reporting under section 312. EPA's intent is to make the statutory reporting as useful as possible for State local emergency responders, local emergency planners, fire departments, and interested members of the local community, and specifically requests suggestions from these users of the information on appropriate threshold levels and the format of the forms published today.

Comments must be submitted within 60 days of the publication of this regulation. Upon completion of the comment period, the forms and regulations published today will be revised as appropriate based on the comments received and republished as a final rule. EPA intends to publish final forms and regulations for sections 311 and 312 reporting well in advance of the date when the statute requires the first reports to be submitted: October 17, 1987, for MSDS reporting and March 1, 1988, for inventory reporting.

III. Relationship to Other EPA Programs

A. Other Title III Programs

1. Subtitle A—Emergency Planning

Title III of SARA establishes several reporting and notification requirements in addition to sections 311 and 312. Subtitle A of Title III contains several notification provisions which are critical to local emergency planning. In order to facilitate local emergency planning, under section 302, facilities which have present an amount of an extremely hazardous substance in excess of the corresponding threshold planning quantity must notify the State emergency response commission by May 17, 1987. Section 303 requires that such facilities must also provide to local emergency planning committees information concerning the facility which may be relevant to emergency planning. Section 304 establishes immediate release reporting requirements to enable timely and effective local response to releases of hazardous substances. These emergency planning requirements are set forth in an interim final rule published on November 17, 1986, 51 FR 41570. These requirements are unaffected by today's proposal.

Today's proposal sets out the reporting requirements under sections 311 and 312, Subtitle B of Title III. The focus of Subtitle B is public access to information concerning chemicals in their communities rather than emergency response, and thus reporting requirements under Subtitle B are both broader in scope than Subtitle A and continuing in nature. However, the information obtained or made available under sections 311 and 312 of Subtitle B may also be of significant value to emergency responders. Subtitle B will make available to the local and State emergency planners information on other chemicals and facilities, beyond those identified under Subtitle A, which they may wish to include in their emergency planning efforts. Tier II information under section 312 will provide specific information on the quantities and locations of hazardous chemicals. Thus, sections 311 and 312 provide information beneficial to emergency planning required under Subtitle A. As discussed in the November 17, 1986 interim final rule, the facilities identified as a result of that rule are only a "first cut" of the facilities and potential chemical hazards for which emergency planning may be necessary.

2. Subtitle B—Section 313 Toxic Chemical Release Inventory

Subtitle B also establishes reporting requirements under section 313. Beginning July 1, 1988, certain manufacturing facilities at which there is a "toxic chemical" present in excess of a statutory quantity must annually report to EPA and the State, with respect to each such substance, the maximum amount present at the facility, the treatment or disposal methods used, and the annual quantity released into the environment. These requirements will be the subject of a separate rulemaking, to be published later this year. Not all of the facilities subjct to the sections 311 and 312 requirements will be required to submit information under section 313.

3. Trade Secrets

Title III also establishes provisions for the protection of trade secrets. Section 322 of Title III entitles persons required to submit information under sections 303, 311, 312, and 313 to withhold the specific chemical identity from disclosure under certain conditions. In order to withhold such information, however, a person must submit the withheld information and an explanation to EPA. Under section 322(c), EPA is required to publish regulations to implement the trade secret provisions as soon as practicable after the enactment of SARA. EPA intends to propose trade secret regulations under section 322 later this year and in advance of the initiation of the reporting requirements.

B. CERCLA Programs

1. CERCLA Reporting Requirements

CERCLA section 103 establishes notification requirements for facilities at which there is a release of a reportable quantity (RQ) of a CERCLA hazardous substance. Such releases must be immediately reported to the National Response Center (800–424–8802, or in the Washington, DC metropolitan area at 202–426–2675). These reporting requirements and the list of hazardous substances and RQs are found in 40 CFR Part 302 and are for the purpose of alerting federal responders to a potentially dangerous release of a hazardous substance so that any necessary response can be taken in a timely fashion. These notification requirements are similar to the release notification requirements under Title III which must be made to local and State response personnel, and are unaffected by today's proposal.

2. National Contingency Plan

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP), codified at 40 CFR Part 300, establishes the national organization, policy, and procedures for preparedness and response to releases of pollutants into the environment. On November 17, 1986 the Agency published the list of extremely hazardous substances and threshold planning quantities for State and local emergency planning in an interim final rule, as required under section 302 of Title III. 51 FR 41570. In that rule, the list and implementing regulations were codified as a new

Subpart within the NCP. However, the Agency stated that it would reevaluate the appropriate placement of the Title III rules in the context of the ongoing revision of the NCP.

Because of the need to make the Title III rules as usable as possible, considering the wide range of persons who may utilize or be affected by these rules, and because the Agency believes that all of the Title III regulations, including appended forms and lists, should be placed together in the Code of Federal Regulations, the Agency has decided to separate these rules from the NCP. Today's proposal sets aside a new series within Subchapter J of title 40 for the Title III rules. The Agency will recodify the emergency planning regulations and list of extremely hazardous substances in this series as part of the revised final rule to be published this year.

IV. Regulatory Analyses

A. Regulatory Impact Analysis

Executive Order 12291 requires each Federal Agency to determine if a regulation is a "major" rule as defined by the Order and to prepare and consider a Regulatory Impact Analysis (RIA) in connection with every major rule. Because EPA has determined that the reporting requirements for hazardous chemicals in this proposal constitute a major rule under Executive Order 12291, EPA has prepared an RIA to assess the economic impact of the proposed regulation on affected industry (manufacturing, Standard Industrial Codes 20 through 39) and State and local government entities. The following cost results are presented in the analysis documented in U.S. EPA, *Regulatory Impact Analysis in Support of Rulemaking Under Sections 311 and 312 of the Superfund Amendments and Reauthorization Act of 1986.* This document is available in the public docket for this rulemaking.

All of the costs associated with this regulation result directly from the requirements of the legislation passed by Congress. Each of the assessed regulatory options reduces both the reporting burden on industry and also the administrative burden on the receiving agencies either by providing a reporting framework, or by allowing for the phased submission of reports to State emergency response commissions, local emergency planning committees, and fire departments. The present value of the cost to industry of the legislative requirements over the first ten years is estimated to be 1.14 billion.

For the proposed regulatory approach, total industry costs of sections 311 and 312 are fairly similar for the first three years of reporting as additional facilities come into compliance, and fall substantially in the fourth and subsequent years when there is no threshold reporting quantity. Conservative cost estimates suggest that industry costs associated with the proposed phase-in approach equal $238 million in the first year, $303 million in the second year, and $217 million in the third year. They stabilize at $64 million in the fourth and subsequent years. The present discounted value of the costs associated with this regulatory approach over the first ten years is estimated to be $0.95 billion (using a discount rate of 10 percent). These estimates represent the costs of reporting, but do not include the costs of responding to requests for additional MSDS or Tier I reports, or to requests for Tier II information.

The other regulatory alternatives considered had present value costs to industry ranging between $0.84 and $1.04 billion. Thus, although the proposed regulatory option is not clearly superior to the other alternatives based on industry costs, there are several benefits associated with the proposed rule so that, on balance, the proposed option was preferred over the alternatives considered. The benefits of the proposed regulatory approach over the alternative options described above are based on the following. First, phasing in the final threshold level permits industry and receiving government entities to adjust to the paperwork burdens created by the legislation over a longer period of time. The advantage of this is that it prevents government entities from being overwhelmed by reports at the start of the program and provides early information on the expected size of the administrative burden and the best means of data management to suit the emerging needs of user groups. The proposed regulatory approach also has benefits over a permanent non-zero threshold level because it eventually provides complete information access to all users. Finally, the proposal generates benefits because it provides complete information access both to the public and to officials.

Government costs include costs borne by State emergency response commissions, local emergency planning committees and fire departments. Again, conservative estimates suggest that a cost of $34 million is incurred by government entities in the first year, $24 million and $27 million are incurred in the second and third years as additional reporting is required, and costs equal to $24 million in the fourth and subsequent years. These costs do not include the cost of requesting additional reports from covered facilities or responding to public or official requests for information.

EPA solicits comment on the methodology employed, the unit costs and the results of the Regulatory Impact Analysis. In particular, EPA requests comments on the following issues:

1. What systems will industry design and use in order to comply with the requirements of sections 311 and 312, e.g., how will the necessary data be managed and stored?
2. How will the number of hazardous chemicals per facility affect the costs of complying with sections 311 and 312?
3. Is the estimated number of material safety data sheets accurate, both on average and in total?
4. What systems will local and State government develop and use to implement sections 311 and 312; e.g., how will the data be managed and stored?
5. Are the unit cost estimates reasonable for both industry and government?
6. Are there other activities associated with sections 311 and 312 which should be considered? What costs are associated with such activities?
7. What estimates are reasonable to assume for public requests to government entities for MSDS, Tier I and Tier II information?

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., whenever an agency is required to issue for publication in the **Federal Register** any proposed or final rule, it must prepare and make available for public comment, a Regulatory Felxibility Analysis which describes the impact of the rule on small entities (i.e., small business, small organizations, and small governmental jurisdictions) unless the Agency's Administrator certifies that the rule will not have a significant impact on a substantial number of small entities. EPA conducted an economic analysis to determine whether or not this proposed regulation causes a significant impact on small entities. Preliminary estimates indicate that this rule is not likely to have a significant impact on a substantial number of small entities. The analysis is set out in the *Regulatory Impact Analysis in Support of Rulemaking Under Sections 311 and 312 of the Superfund Amendments and Reauthorization Act of 1986,* which is available for public review in the docket for this rulemaking.

Accordingly, I hereby certify that this proposed rule will not have a significant impact on a substantial number of small

entities. This proposed rule, therefore, does not require a Regulatory Flexibility Analysis.

C. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. Submit comments on these requirements to the Office of Information and Regulatory Affairs; OMB; 726 Jackson Place, NW., Washington, DC 20503 marked "Attention: Desk Officer for EPA." The final rule will respond to any OMB or public comments on the information collection requirements.

V. Supporting Information

List of Subjects in 40 CFR Part 370

Chemicals, Hazardous substances, Extremely hazardous substances, Intergovernmental relations, Community right-to-know, Superfund Amendments and Reauthorization Act, Chemical accident prevention, Chemical emergency preparedness, Community emergency response plan, Contingency planning, Reporting and recordkeeping requirements.

Dated: January 15, 1987.

Lee. M. Thomas,

Administrator.

For the reasons set out in the Preamble, Subchapter J of Title 40 of the Code of Federal Regulations is proposed to be amended by adding Part 370 to read as follows:

PART 370—HAZARDOUS CHEMICAL REPORTING: COMMUNITY RIGHT-TO-KNOW

Subpart A—General Provisions

Sec.

Subpart B—Reporting Requirements

Sec.

Subpart C—Public Access and Availability of Information

Sec.

Subpart D—Inventory Forms

Sec.

Authority: Sections 311, 312, 324, 325, 328, 329 of the Emergency Planning and Community Right-To-Know Act of 1986, Pub. L. 99-499, 100 Stat. 1613.

Subpart A—General Provisions

§ 370.1 Purpose

These regulations establish reporting requirements to provide the public with important information on the hazardous chemicals in their communities for the purpose of enhancing community awareness of chemical hazards and facilitating development of State and local emergency response plans.

§ 370.2 Definitions.

Terms not specifically defined in this section have the same meaning as in Subpart A of Part 300 of this chapter.

"Act" means the Superfund Amendments and Reauthorization Act of 1986.

"Commission" means the State emergency response commission (or, for the purpose of emergency planning, the Governor if there is no commission) for the State in which the facility is located.

"Committee" means the local emergency planning committee for the emergency planning district in which the facility is located.

"Environment" includes water, air, and land and the interrelationship which exists among and between water, air, and land and all living things.

"Facility" means all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with, such person). For purposes of emergency release notification, the term includes motor vehicles, rolling stock, and aircraft.

"Hazardous chemical" means any hazardous chemical as defined under § 1910.1200(c) of Title 29 of the Code of Federal Regulations, except that such term does not include the following substances:

(1) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.

(2) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.

(3) Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public.

(4) Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.

(5) Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

"Inventory form" means the Tier I and Tier II emergency and hazardous chemical inventory forms set forth in Subpart D of this part.

"Material Safety Data Sheet" or "MSDS" means the sheet required to be developed under § 1910.1200(g) of Title 29 of the Code of Federal Regulations.

"Person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of State, or interstate body.

"State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession over which the United States has jurisdiction.

§ 370.5 Penalties.

(a) *MSDS reporting.* Any person other than a governmental entity who violates any requirement of § 370.21 shall be liable for civil and administrative penalties of not more than $10,000 for each violation.

(b) *Inventory reporting.* Any person other than a governmental entity who violates any requirement of § 370.25 shall be liable for civil and administrative penalties of not more than $25,000 for each violation.

(c) *Continuing violations.* Each day a violation described in paragraphs (a) or (b) of this section continues shall constitute a separate violation.

Subpart B—Reporting Requirements

§ 370.20 Applicability.

(a) *General.* The requirements of this subpart apply to any facility which is required to prepare or have available a material safety data sheet (or MSDS) for a hazardous chemical under the Occupational Safety and Health Act of 1970 and regulations promulgated under that Act.

(b) *Minimum threshold levels.* Except as provided in paragraph (b)(2), of this section, the minimum threshold level for reporting under this Subpart shall be according to the following schedule.

(1) The owner or operator of a facility subject to this Subpart shall submit an MSDS:

(i) On or before October 17, 1987, for all hazardous chemicals present at the facility in amounts equal to or greater than 10,000 pounds at any time during the preceding year or which are on the list of extremely hazardous substances;

(ii) On or before October 17, 1988, for all hazardous chemicals present at the facility between 10,000 and 500 pounds (or 55 gallons) at any time during the preceding year;

(iii) On or before October 17, 1989, for all hazardous chemicals present at the facility for which an MSDS has not yet been submitted.

(2) The minimum threshold for reporting in response to requests for submission of an MSDS or a Tier II form pursuant to §§ 370.21(d) and 370.25(c) of this subpart shall be zero.

§ 370.21 MSDS reporting.

(a) *Basic requirement.* The owner or operator of a facility subject to this Subpart shall submit an MSDS for each hazardous chemical according to the minimum threshold schedule provided in paragraph (b) of § 370.20 to the Committee, the Commission, and the fire department with jurisdiction over the facility.

(b) *Alternative reporting.* In lieu of the submission of an MSDS for each hazardous chemical under paragraph (a) the owner or operator may submit the following:

(1) A list of the hazardous chemicals for which the MSDS is required, grouped in hazard categories, as defined under the Occupational Safety and Health Act of 1970 and regulations promulgated under the act;

(2) The chemical or common name of each hazardous chemical as provided on the MSDS; and

(3) Any hazardous component of each hazardous chemical as provided on the MSDS.

(c) *Update reporting.* (1) The owner or operator of a facility which has submitted an MSDS under this section shall provide a revised MSDS to the Committee within 3 months after discovery of significant new information concerning the hazardous chemical for which the MSDS was submitted.

(2) After October 17, 1987, the owner or operator of a facility subject to this Section shall submit an MSDS for a hazardous chemical pursuant to paragraphs (a) and (b) of this section within 3 months after the owner or operator is first required to prepare or have available the MSDS.

(d) *Submission of MSDS upon request.* The owner or operator of a facility which submits a list of chemicals under paragraph (b) of this section shall submit the MSDS for hazardous chemical on the list to the Committee upon its request. The MSDS shall be submitted within 30 days of the receipt of such request.

§ 370.25 Inventory form reporting.

(a) *Basic requirement.* The owner or operator of a facility subject to this subpart shall submit an inventory form to the Committee, the Commission, and the fire department with jurisdiction over the facility. The inventory form containing Tier I information on hazardous chemicals above the threshold levels established in § 370.20(b) shall be submitted on or before March 1 of each year, beginning in 1988.

(b) *Alternative reporting.* With respect to any specific hazardous chemical at the facility, the owner or operator may submit a Tier II form in lieu of the Tier I information.

(c) *Submission of Tier II information.* The owner or operator of a facility subject to this section shall submit the Tier II form to the Committee, or the fire department having jurisdiction over the facility upon request of such persons. The Tier II form shall be submitted within 30 days of the receipt of such request.

(d) *Fire department inspection.* The owner or operator of a facility which has submitted an inventory form under this section shall allow on-site inspection by the fire department having jurisdiction over the facility upon request of the department, and shall provide to the department specific location information on hazardous chemicals at the facility.

§ 370.28 Mixtures.

(a) The owner or operator of a facility may meet the reporting requirements of § 370.21 (MSDS reporting) and 370.25 (Inventory form reporting) of this Subpart for a hazardous chemical which is a mixture of hazardous chemicals by—(1) Providing the required information on each element or compound in the mixture which is a hazardous chemical, or (2) Providing the required information on the mixture itself, so long as the reporting of mixtures by a facility under § 370.21 is in the same manner as under § 370.25.

Subpart C—Public Access and Availability of Information

§ 370.30 Requests for information.

(a) *Request for MSDS information.* (1) Any person may obtain a MSDS with respect to a specific facility by submitting a written request to the Committee.

(2) If the Committee does not have in its possession the MSDS requested in paragraph (a)(1) of this section, it shall request a submission of the MSDS from the owner or operator of the facility which is the subject of the request.

(b) *Requests for Tier II information.* (1) Any person may obtain Tier II information with respect to a specific facility by submitting a written request to the Commission or Committee in accordance with the requirements of this section.

(2) If the Committee or Commission does not have in its possession the Tier II information requested in paragraph (b)(1) of this section, it shall request a submission of the Tier II form from the owner or operator of the facility which is the subject of the request; provided that, the request is from a State or local official acting in his or her official capacity or the request is limited to hazardous chemicals stored at the facility in an amount in excess of 10,000 pounds.

(3) If the request under paragraph (b)(1) of this section does not meet the requirements of paragraph (b)(2) of this section, the Committee or Commission may request submission of the Tier II form from the owner or operator of the facility which is the subject of the request if the request under paragraph (b)(1) of this section includes a general statement of need.

§ 370.31 Provision of information.

All information obtained from an owner or operator in response to a request under this section and any requested Tier II form or MSDS otherwise in possession of the Commission or the Committee shall be made available to the person submitting the request under this section; provided that, upon request of the owner or operator, the Commission or Committee shall withhold from disclosure the location of any specific chemical identified in the Tier II form.

Subpart D—Inventory Forms

§ 370.40 Tier I Emergency and Hazardous Chemical Inventory Form.

(a) The form set out in paragraph (b) of this section shall be completed and submitted as required in § 370.25(a).

(b) Tier I Emergency and Hazardous Chemical Inventory Form.

BILLING CODE 6520-50-M

Page ____ of ____ pages

Tier One

EMERGENCY AND HAZARDOUS CHEMICAL INVENTORY

Aggregate Information by Hazard Type

FOR OFFICIAL USE ONLY

ID #

Date Received

Important: Read instructions before completing form

Reporting Period From January 1 to December 31, 19____

Facility Identification

Name _____

Street Address _____

City _____ State _____ Zip _____

SIC Code [ ][ ][ ][ ] Dun & Bradstreet Number [ ][ ]-[ ][ ][ ]-[ ][ ][ ][ ]

Owner/Operator

Name _____

Mail Address _____

Phone ( ) _____

Emergency Contacts

Name _____

Title _____

Phone ( ) _____

Name _____

Title _____

Phone ( ) _____

24 Hour/Day Phone Number ( ) _____

☐ Check if site plan is attached

	Hazard Type	*Max Amount**	*Average Daily Amount**	*General Location*
Physical Hazard	Combustible Liquid			
	Compressed Gas			
	Corrosive			
	Explosive			
	Flammable			
	Organic Peroxide			
	Oxidizer			
	Pyrophoric			
	Unstable/Reactive			
	Water Reactive			
Health Hazard	Carcinogen			
	Highly Toxic			
	Irritant			
	Sensitizer			
	Toxic			
	Blood Toxin			
	Eye Hazard			
	Kidney Toxin			
	Liver Toxin			
	Lung Toxin			
	Nerv. Sys. Toxin			
	Reproductive Toxin			
	Skin Hazard			

Certification *(Read and sign after completing all sections)*

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete.

Name and official title of owner or owner's authorized representative

Signature _____ Date Signed _____

* Reporting Ranges	Range Value	Weight Range in Pounds From...	To...
	00	0	99
	01	100	999
	02	1000	9,999
	03	10,000	99,999
	04	100,000	999,999
	05	1,000,000	9,999,999
	06	10,000,000	49,999,999
	07	50,000,000	99,999,999
	08	100,000,000	499,999,999
	09	500,000,000	999,999,999
	10	1 billion	higher than 1 billion

TIER ONE INSTRUCTIONS

GENERAL INFORMATION

Submission of this form is required by Title III of the Superfund Amendments and Reauthorization Act of 1986, Section 312, Public Law 99-499.

The purpose of this form is to provide State and local officials and the public with information on the general types and locations of hazardous chemicals present at your facility during the past year.

YOU MUST PROVIDE ALL INFORMATION REQUESTED ON THIS FORM.

You may substitute the Tier Two form for this Tier One form. (The Tier Two form provides detailed information and must be submitted in response to a specific request from State or local officials.)

WHO MUST SUBMIT THIS FORM

Section 312 of Title III requires that the owner or operator of a facility submit this form if, under regulations implementing the Occupational Safety and Health Act of 1970, the owner or operator is required to prepare or have available Material Safety Data Sheets (MSDS) for hazardous chemicals present at the facility. MSDS requirements are specified in the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard, found in Title 29 of the Code of Federal Regulations, Section 1910.1200.

WHAT CHEMICALS ARE INCLUDED

You must report the information required on this form for every hazardous chemical for which you are required to prepare or have available an MSDS under the Hazard Communication Standard.

OSHA regulations and Title III exempt some chemicals from reporting. The combined list of exceptions includes:

1. Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.
2. Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public.
3. Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under direct supervision of a technically qualified individual.
4. Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.
5. Any hazardous waste such is defined by the Solid Waste Disposal Act as amended (42 U.S.C. 6901 et seq.).
6. Tobacco or tobacco products.
7. Wood or wood products.
8. Articles which are manufactured items:
   - Formed to a specific shape of design during manufacture;
   - With end use functions dependent in whole or in part upon the shape or design during end use; and
   - Which do not release, or otherwise result in exposure to a hazardous chemical under normal conditions of use.

Also, minimum reporting thresholds have been established under Title III, Section 3II. You do not need to report any hazardous chemical which has not been present at your facility at any time during the year at or above the levels listed below:

- on or before October 17, 1987....10,000 lbs.
- on or before October 17, 1988....500 lbs.
- on or before October 17, 1989....0 lbs.

WHEN TO SUBMIT THIS FORM

Beginning March 1, 1988, owners or operators must submit the Tier One form (or substitute the Tier Two form) on or before March 1, of every year.

WHERE TO SUBMIT THIS FORM

One completed inventory form must be sent to each of the following:

1. Your State emergency planning commission.
2. Your local emergency planning committee.
3. The fire departments with jurisdiction over your facility.

PENALTIES

Any owner or operator of a facility who fails to submit or supplies false Tier One information shall be liable to the United States for a civil penalty of up to $25,000 for each such violation. Each day a violation continues shall constitute a separate violation. In addition, any citizen may commence a civil action on his or her own behalf against any owner or operator who fails to submit Tier One information.

INSTRUCTIONS

Please read these instructions carefully. Print or type all responses.

You may use the Tier Two form as a worksheet for completing Tier One. Filling in the Tier Two "Chemical Information" section should help you assemble your Tier One responses.

If your responses require more than one page, fill in the "Page Number" information at the top of the form.

REPORTING PERIOD

Enter the appropriate calendar year, beginning January 1 and ending December 31.

FACILITY IDENTIFICATION

Enter the complete name of your facility (and company identifier where appropriate).

Enter the full street address, state road, or other appropriate identifiers which describe the physical location of your facility (e.g. longitude and latitude). Include city, state, and zip code.

Enter the primary Standard Industrial Classification (SIC) Code, and the Dun and Bradstreet Number for your facility.

OWNER/OPERATOR

Enter the owner's or operator's full name, mailing address and phone number.

EMERGENCY CONTACT

Enter the name, title and work phone number of at least one person who can provide emergency information on locations and types of chemical hazards at your facility.

Provide an emergency phone number where such emergency chemical information will be available 24 hours per day, every day.

PHYSICAL AND HEALTH HAZARDS...

Descriptions, Amounts and Locations

This section requires aggregate information on chemicals by hazard categories as defined in the OSHA Hazard Communication Standard, 29 CFR 1910.1200. For each hazard type, indicate the total amounts and general locations of all applicable chemicals present at your facility during the past year.

- **What units should I use?**

  Calculate all amounts as *weight in pounds*. To convert gas or liquid volume to weight in pounds, multiply by an appropriate density factor.

- **What about mixtures?**

  If a chemical is part of a mixture, *you have the option* of reporting either the weight of the entire mixture or only the portion of the mixture which is a particular hazardous chemical. (e.g. If a hazardous solution weighs 100 lbs, but is composed only 5% of a particular hazardous chemical, you can indicate either 100 lbs or 5 lbs of the substance).

  The option selected should be consistent with your reporting of the chemical on the MSDS, or list of MSDS chemicals under Section 311.

- **Where do I count a chemical which is 'Explosive', 'Corrosive,' and a 'Carcinogen'?**

  Add the chemical's weight to your totals for all three hazard categories, and include its location in all three categories as well. Many chemicals fall into more than one hazard category, which results in double-counting.

MAXIMUM AMOUNT

The amounts of chemicals you have on hand may vary throughout the year. The peak weights -- greatest single day weights during the year -- are added together in this column to determine the "maximum weight" for each hazard type. Since the peaks for different chemicals often occur on different days, this "maximum amount" will seem artificially high.

To complete this and the following sections, you may choose to use the Tier Two form as a worksheet.

To determine the "Maximum Amount:"

1. List all of your hazardous chemicals individually.
2. For each chemical...
   a. Indicate all physical and health hazards that the chemical presents. Include all chemicals even if they are present only for short periods of time during the year.
   b. Estimate the maximum weight in pounds that was present at your facility on any single day of the reporting period.

3. For each hazard type -- beginning with "combustible liquids" and repeating for all physical and health hazard types...

   a. Add the maximum weights of all chemicals you indicated as the particular hazard type.

   b. Look at the Reporting Ranges at the bottom of the Tier One form. Find the appropriate "range value" code.

   c. Enter this "range value" in the boxes labelled "Maximum Amount."

EXAMPLE:

You are using the Tier Two as a worksheet and have listed raw weights in pounds for each of your hazardous chemicals. You have marked an X in the Corrosive hazard column for phenol and sulfuric acid. The "Maximum Amount" raw weights you listed were 10,000 lbs and 50 lbs, respectively. You add these together to reach a total of 10,050 lbs. Then you look at the "Reporting Ranges" at the bottom of your Tier One form and find that the value 03 corresponds to 10,050 lbs. Enter 03 as your "Maximum Amount" for Corrosives.

You also marked an X in the Combustible and Highly Toxic hazard boxes for phenol. When you calculate your "Maximum Amount" totals for these additional hazards, add the 10,000 lb. weight again.

AVERAGE DAILY AMOUNT

This column should represent the average daily amount of chemicals *of each hazard type* that were present at your facility at any point during during the year.

To determine this amount:

1. List all of your hazardous chemicals individually (same as for Maximum Amount).

2. For each chemical...

   a. Indicate all physical and health hazards that the chemical presents (same as for Maximum Amount).

      Since some chemicals may be present only for short periods of time, the average for the year may seem artificially low.

   b. Estimate the average weight in pounds that was present at your facility throughout the year. To do this, total all daily weights and divide by 365, or total all monthly weights and divide by 12 -- or use other calculations which reflect an average for the entire year.

3. For each hazard type -- beginning with Combustible Liquids and repeating for all physical and health hazards...

   a. Add the average weights of all chemicals you indicated for the particular hazard type.

   b. Look at the Reporting Ranges at the bottom of the Tier One form. Find the appropriate "range value" code.

   c. Enter this "range value" in the boxes labelled "Average Daily Amount."

EXAMPLE:

You are using the Tier Two form, you have marked an X in the Highly Toxic hazard column for nicotine and phenol. The average daily weights you listed were 1,000 lbs. and 200 lbs., respectively. You add these together to reach a total of 1,200 lbs. Then you look at the Reporting Ranges on your Tier One form and find that the value 02 in corresponds to 1,200 lbs. Enter 02 as your "Average Daily Amount" for Highly Toxic Substances.

You also marked an X in the Combustible and Corrosive hazard columns for phenol. When you calculate your "Average Daily Amount" for these additional hazards, use the 200 lb. weight again.

GENERAL LOCATION

Enter the general location within your facility where each hazard may be found. "General" locations should include the names or identifications of buildings, tank fields, lots, sheds, or other such areas.

For each hazard type, list the locations of all applicable chemicals. As an alternative you may also attach a site plan and list the site coordinates related to the appropriate locations. If you do so, check the "site plan" box at the top of Column D.

EXAMPLE:

On your worksheet you have marked and X in Flammable hazard column for acetone and butane. You noted that these are kept in steel drums in Room C of the Main Building, and in pressurized cylinders in Storage Shed 13, respectively. You could enter "Main Building and Storage Shed 13" as the "General Locations" of your Flammable Hazards. However, you choose to attach a site plan and list coordinates. Check the "site plan" box at the top of the column, and enter site coordinates for the Main Building and Storage Shed 13 under "General Locations."

If you need more space to list locations, attach an additional Tier One form and continue your list on the proper line.

CERTIFICATION

This must be completed by the owner or operator, or the officially designated representative of the owner or operator . Enter your full name and official title. Sign your name and enter the current date.

BILLING CODE 6560-50-C

§ 370.41 Tier II Emergency and Hazardous Chemical Inventory Form.

(a) The form in paragraph (b) of this section must be completed and submitted to EPA as required in § 370.25(c).

(b) *Tier II Emergency and Hazardous Chemical Inventory Form.*

BILLING CODE 6560-50-M

Page ____ of ____ pages

Tier Two

EMERGENCY AND HAZARDOUS CHEMICAL INVENTORY

Specific Information by Chemical

Facility Identification

Name ____________________

Street Address ____________________

City ________ State ______ Zip ________

SIC [ ][ ][ ][ ][ ] Dun & Bradstreet # [ ][ ]-[ ][ ][ ]-[ ][ ][ ][ ]

Owner/Operator

Name ____________________

Mail Address ____________________

____

Phone (______) ____________

Emergency Contacts

Name ____________________

Title ____________________

Phone (______) ____________

24 Hour/Day Phone Number (______) ____________

Important: Read all instructions before completing form

Reporting Period From January 1 to December 31, 19____

Chemical Description	Circle all that apply	Max. Amount (Enter code)	Avg. Daily Amount (Enter code)	Physical Hazards: Combustible Liq.	Compressed Gas	Corrosive	Explosive	Flammable	Organic Peroxide	Oxidizer	Pyrophoric	Unstable/Reactive	Water Reactive	Health Hazards: Carcinogen	Highly Toxic	Irritant	Sensitizer	Toxic	Blood Toxin	Eye Hazard	Kidney Toxin	Liver Toxin	Lung Toxin	Nerv. Sys. Toxin	Reproductive Tox.	Skin Hazard	Location: Non-Confidential — Site Location	Storage Codes
Chem. Name ______ CAS # [ ][ ][ ][ ][ ] [ ] [ ][ ]	Pure Mix Sol Liq Gas	[ ][ ]	[ ][ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ] [ ]	(,) (,) (,) (,)
Chem. Name ______ CAS # [ ][ ][ ][ ][ ] [ ] [ ][ ]	Pure Mix Sol Liq Gas	[ ][ ]	[ ][ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ] [ ]	(,) (,) (,) (,)
Chem. Name ______ CAS # [ ][ ][ ][ ][ ] [ ] [ ][ ]	Pure Mix Sol Liq Gas	[ ][ ]	[ ][ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ] [ ]	(,) (,) (,) (,)
Chem. Name ______ CAS # [ ][ ][ ][ ][ ] [ ] [ ][ ]	Pure Mix Sol Liq Gas	[ ][ ]	[ ][ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ] [ ]	(,) (,) (,) (,)
Chem. Name ______ CAS # [ ][ ][ ][ ][ ] [ ] [ ][ ]	Pure Mix Sol Liq Gas	[ ][ ]	[ ][ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ] [ ]	(,) (,) (,) (,)
Chem. Name ______ CAS # [ ][ ][ ][ ][ ] [ ] [ ][ ]	Pure Mix Sol Liq Gas	[ ][ ]	[ ][ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ] [ ]	(,) (,) (,) (,)
Chem. Name ______ CAS # [ ][ ][ ][ ][ ] [ ] [ ][ ]	Pure Mix Sol Liq Gas	[ ][ ]	[ ][ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ] [ ]	(,) (,) (,) (,)
Chem. Name ______ CAS # [ ][ ][ ][ ][ ] [ ] [ ][ ]	Pure Mix Sol Liq Gas	[ ][ ]	[ ][ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ] [ ]	(,) (,) (,) (,)
Chem. Name ______ CAS # [ ][ ][ ][ ][ ] [ ] [ ][ ]	Pure Mix Sol Liq Gas	[ ][ ]	[ ][ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ] [ ]	(,) (,) (,) (,)
Chem. Name ______ CAS # [ ][ ][ ][ ][ ] [ ] [ ][ ]	Pure Mix Sol Liq Gas	[ ][ ]	[ ][ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ] [ ]	(,) (,) (,) (,)

Certification *(Read and sign after completing all sections)*

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

Name and official title of owner or owner's authorized representative ____________ Signature ____________ Date Signed ____________

Attachments *(Check one)*

- [ ] I have attached a site plan
- [ ] I have attached a list of site coordinate abbreviations

Page ____ of ____ pages

Tier Two
EMERGENCY AND HAZARDOUS CHEMICAL INVENTORY
Specific Information by Chemical

Facility Identification	Owner/Operator	Emergency Contacts
Name ____	Name ____	Name ____
Street Address ____	Mail Address ____	Title ____
City ____ State ____ Zip ____	____	Phone ( ) ____
SIC ☐☐☐☐ Dun & Bradstreet # ☐☐-☐☐☐-☐☐☐☐	Phone ( ) ____	24 Hour/Day Phone Number ( ) ____

Important: Read all instructions before completing form

Reporting Period From January 1 to December 31, 19____

Confidential Location Information Sheet

	Location: Confidential — *Site Location*	*Storage Codes*
Chem. Name ____ CAS # ☐☐☐☐☐-☐☐-☐	[ ] [ ]	(,) (,) (,) (,)
Chem. Name ____ CAS # ☐☐☐☐☐-☐☐-☐	[ ] [ ]	(,) (,) (,) (,)
Chem. Name ____ CAS # ☐☐☐☐☐-☐☐-☐	[ ] [ ]	(,) (,) (,) (,)
Chem. Name ____ CAS # ☐☐☐☐☐-☐☐-☐	[ ] [ ]	(,) (,) (,) (,)
Chem. Name ____ CAS # ☐☐☐☐☐-☐☐-☐	[ ] [ ]	(,) (,) (,) (,)
Chem. Name ____ CAS # ☐☐☐☐☐-☐☐-☐	[ ] [ ]	(,) (,) (,) (,)
Chem. Name ____ CAS # ☐☐☐☐☐-☐☐-☐	[ ] [ ]	(,) (,) (,) (,)
Chem. Name ____ CAS # ☐☐☐☐☐-☐☐-☐	[ ] [ ]	(,) (,) (,) (,)
Chem. Name ____ CAS # ☐☐☐☐☐-☐☐-☐	[ ] [ ]	(,) (,) (,) (,)
Chem. Name ____ CAS # ☐☐☐☐☐-☐☐-☐	[ ] [ ]	(,) (,) (,) (,)

Certification *(Read and sign after completing all sections)*

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

____ Name and official title of owner or owner's authorized representative

____ Signature

____ Date Signed

Attachments *(Check one)*

☐ I have attached a site plan

☐ I have attached a list of site coordinate abbreviations

TIER TWO INSTRUCTIONS

GENERAL INFORMATION

Submission of this Tier Two form (when requested) is required by Title III of the Superfund Amendments and Reauthorization Act of 1986, Section 312, Public Law 99-499. The purpose of this Tier Two form is to provide State and local officials and the public with specific information on hazardous chemicals present at your facility during the past year.

YOU MUST PROVIDE ALL INFORMATION REQUESTED ON THIS FORM TO FULFILL TIER TWO REPORTING REQUIREMENTS.

This form may also be used as a worksheet for completing the Tier One form, or may be submitted in place of the Tier One form.

WHO MUST SUBMIT THIS FORM

Section 312 of Title III requires that the owner or operator of a facility submit this Tier Two form if so requested by a State emergency planning commission, a local emergency planning committee, or a fire department with jurisdiction over the facility.

This request may apply to the owner or operator of any facility that is required, under regulations implementing the Occupational Safety and Health Act of 1970, to prepare or have available a Material Safety Data Sheet (MSDS) for a hazardous chemical present at the facility. MSDS requirements are specified in the Occupational Safety and Health Administration (OSHA) Hazard Communications Standard, found in Title 29 of the Code of Federal Regulations at Section 1910.1200.

WHAT CHEMICALS ARE INCLUDED

You must report the information required on this form for each hazardous chemical for which a request for Tier II information is made.

The OSHA regulations and Title III exempt some chemicals from reporting. The combined list of exceptions include:

1. Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.
2. Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and and use by the general public.
3. Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under direct supervision of a technically qualified individual.
4. Any substance to the extent it is used in routine agricultural oerations or is a fertilizer held for sale by a retailer to the ultimate customer.
5. Any hazardous waste such is defined by the Solid Waste Disposal Act as amended (42 U.S.C. 690l, et seq.).
6. Tobacco or tobacco products.
7. Wood or wood products.
8. Articles which are manufactured items:
   - Formed to a specific shape of design during manufacture;
   - With end use functions dependent in whole or in part upon the shape or design during end use; and
   - Which do not release, or otherwise result in exposure to a hazardous chemical under normal conditions of use.

A requesting official may limit the responses required under Tier Two, by specifying particular chemicals or groups of chemicals.

WHEN TO SUBMIT THIS FORM

Owners or operators must submit the Tier Two form to the requesting agency within 30 days of a written request from an authorized official.

WHERE TO SUBMIT THIS FORM

A completed Tier Two form must be sent to the requesting agency.

PENALTIES

Any owner or operator who violates any Tier Two reporting requirements shall be liable to the United States for a civil penalty of up to $25,000 for each such violation. Each day a violation continues shall constitute a separate violation.

INSTRUCTIONS

Please read these instructions carefully. Print or type all responses.

You may use the Tier Two form as a worksheet for completing the Tier One form. Filling in the Tier Two "Chemical Information" section should help you assemble yourTier One Responses.

If your responses require more than one page, fill in the "Page Number" information at the top of the form.

REPORTING PERIOD

Enter the appropriate calendar year, beginning January 1 and ending December 31.

FACILITY IDENTIFICATION

Enter the full name of your facility (and company identifier where appropriate).

Enter the full street address, state road, or other appropriate identifiers which describe the physical location of your facility (e.g. longitude and latitude). Include city, state, and zip code.

Enter the primary Standard Industrial Classification (SIC) Code, and the Dun and Bradstreet Number for your facility.

OWNER/OPERATOR

Enter the owner's or operator's full name, mailing address and phone number.

EMERGENCY CONTACT

Enter the name, title and work phone number of at least one person who can provide emergency information on locations and types of chemical hazards at your facility.

Provide an emergency phone number where such emergency chemical information will be available 24 hours per day, every day.

CHEMICAL INFORMATION...Description, Amounts, Hazards, and Locations

The main section of the Tier Two form requires specific information on amounts and locations of hazardous chemicals, as defined in the OSHA Hazard Communications Standard.

- What units should I use?

  Calculate all amounts as *weight in pounds*. To convert gas or liquid volume to weight in pounds, multiply by an appropriate density factor.

- What about mixtures?

  If a chemical is part of a mixture, *you have the option* of reporting either the weight of the entire mixture or only the portion of the mixture which is a particular hazardous chemical. (e.g. If a hazardous solution weighs 100 lbs, but is composed only 5% of a particular hazardous chemical, you can indicate either 100 lbs *or* 5 lbs of the chemical).

  The option selected should be consistent with your reporting of the chemical on the MSDS, a list of MSDS chemical under Section 311.

CHEMICAL DESCRIPTION

1. Enter the chemical name or common name of each hazardous chemical.
2. Enter the Chemical Abstract Service Number (CAS#).

If you are witholding the name of a chemical in accordance with criteria specified in Title III, Section 322, enter the generic chemical class (e.g., list toluene disocynate as organic isocynate.)

3. Circle *ALL* applicable descriptors: pure or mixture, *and* solid, liquid or gas.

EXAMPLE:

You have pure chlorine gas on hand, as well as having two mixtures which contain liquid chlorine. You write "chlorine" and enter the CAS#, then you circle "pure" *and* "mix" -- as well as liq. *and* gas.

MAXIMUM AMOUNT

1. For each hazardous chemical, estimate the greatest amount present at your facility on any day during the reporting period.
2. Find the appropriate "range value" code in Table I.
3. Enter this value as the "Maximum Amount."

Table I
"REPORTING RANGES"

Range Value	Weight Range in Pounds From...	To...
00	0	99
01	100	999
02	1000	9,999
03	10,000	99,999
04	100,000	999,999
05	1,000,000	9,999,999
06	10,000,000	49,999,999
07	50,000,000	99,999,999
08	100,000,000	499,999,999
09	500,000,000	999,999,999
10	1 billion	higher than 1 billion

If you are using this form as a worksheet for completing Tier One, enter the actual weight in pounds in the shaded space below the response blocks. Do this for both "Maximum Amount" and "Average Daily Amount."

EXAMPLE:

You received one large shipment of a solvent mixture last year. The shipment filled your 5,000 gallon storage tank. You know that the solvent contains 10% benzene, which is a hazardous chemical.

You figure that 10% of 5,000 gallons is 500 gallons. You also know that the density of benzene is 7.29 pounds per gallon, so you multiply 500 by 7.29 to get a weight of 3,645 pounds.

Then you look at Table I and find that the "range value" 02 corresponds to 3,645. You enter 02 as the "Maximum Amount".

(If you were using the form as a worksheet for completing a Tier One form, you would have written 3,645 in the shaded area.)

AVERAGE DAILY AMOUNT

1. For each hazardous chemical, estimate the average weight in pounds that was present at your facility during the year.

   To do this, total all daily weights and divide by 365, or total all monthly weights and divide by 12 -- or use other calculations which reflect an average for the entire year.

   (Since some chemicals may be present only for short periods of time, the average for the year may seem artificially low).

2. Find the appropriate "range value" in Table I.

3. Enter this value as the "Average Daily Amount.

EXAMPLE:

The 5,000 gallon shipment of solvent you received was gradually used up during the year. You measured the level each month and recorded 12 monthly levels: 5000,4500,4200, 3900, 3500, 3200, 2800,2300,2100, 1900, 1200, and 800 gallons.

When you add all 12 measurements, you reach a total of 35,400 gallons. You divide the total by the number of measurements (12) to get an average of 2,950 gallons.

You already know that the solvent contains 10% benzene, which is a hazardous chemical. Since 10% of 2,950 is 295, you figure that you had an average of 295 gallons of benzene. You also know that the density of benzene is 7.29 pounds per gallon, so you multiply 295 by 7.29 to get a weight of 2,150 pounds.

Then you look at Table 1 and find that the "range value" 02 corresponds to 2,150. You enter 02 as the "Maximum Amount".

(If you were using the form as a worksheet for completing a Tier One form, you would have written 2,150 in the shaded area.)

PHYSICAL AND HEALTH HAZARDS

For each chemical you have listed, check all the physical and health hazard boxes that apply. These hazard categories are defined in the OSHA Hazard Communication Standard, 29 CFR 1910.1200.

LOCATION

List all non-confidential chemical locations in this column, along with storage types/conditions associated with each location.

1. Attachments: Attach *one* of the following, and check the appropriate "Attachments" box at the bottom of the Tier Two form.

   a. *A Site Plan* with "site coordinates" indicated for buildings, lots, areas, etc. throughout your facility.

   b. *A List of "Site Coordinate" Abbreviations* which correspond to buildings, lots, areas, etc. throughout your facility. Use abbreviations that are three letters or less.

2. Site Location: For each chemical...

   a. *Main location*-- Enter appropriate "site coordinates" or abbreviations in front of the brackets.

   b. *Sub-location*-- Enter the room, or area (within the building or lot, etc.) within the brackets.

If you have more than one building, lot, or area location, continue your responses down the page as needed.

EXAMPLE:

You have benzene in the main room of the main building, in tank 2 in tank field 10, and in the back corner of the warehouse. You attach a site plan with coordinates as follows: main building = B-6, and warehouse = R-16. You fill in the "Site Location" as follows:

G-2 [Main Room]
B-6 [Tank 2]

Since you need more room for the warehouse location, use the next line down on the form (rather than using that line for a different chemical) and enter:

( )
R-16 (rear)

3. Storage. Next to each location you have listed (building and room, etc.) indicate the types and conditions of storage present...

a. *Look at Table II.* For each location, find the appropriate "Storage Type(s)." Enter the corresponding code(s) in front of the parentheses.

b. *Look at Table III.* For each storage type, find the "Temperature and Pressure Conditions". Enter the corresponding code within the parentheses.

Table II
"STORAGE TYPES"

CODES	Types of Storage
A	Above ground tank
B	Below ground tank
C	Tank inside building
D	Steel drum
E	Plastic or non-metallic drum
F	Can
G	Carboy
H	Silo
I	Fiber drum
J	Bag
K	Box
L	Cylinder
M	Glass bottles or jugs
N	Plastic bottles or jugs
O	Tote bin
P	Tank wagon
Q	Rail car
R	Other

Table III
"TEMPERATURE AND PRESSURE CONDITIONS"

CODES	Storage Conditions
	(PRESSURE)
1	Ambient pressure
2	Greater than ambient pressure
3	Less than ambient pressure
	(TEMPERATURE)
4	Ambient temperature
5	Greater than ambient temperature
6	Less than ambient temperature
7	Cryogenic conditions

EXAMPLE:

The benzene in the main building is kept in a tank inside the building, at ambient pressure and less than ambient temperature.

Table II shows you that the code for a tank inside a building is C. Table III shows you that code for ambient pressure is 1, and the code for less than ambient temperature is 6.

Next to the "Site Location" you enter:

C (1,6) (,)
(,) (,)

Your complete Location response for the Main Building storage location looks like this:

G-2 [Main Room]	C (1,6) (,)
[ ]	(,) (,)

Under Title III, Section 324, you may elect to withold location information on a specific chemical from disclosure to the public. If you choose to do so:

- *Leave the Non-Confidential Location section blank* for each confidential location you claim.
- *Attach a Tier Two Confidential Location Information Sheet.* (This sheet is designed to separate confidential locations from the disclosure of other information to the public).
- *Enter the name and CAS# of each "confidential" chemical.*
- *Enter the appropriate location and storage information,* (as described for non-confidential locations, above).

CERTIFICATION.
This must be completed by the owner or operator, or the officially designated representative of the owner or operator. Enter your full name and official title. Sign your name and enter the current date.

[FR Doc. 87-1626 Filed 1-26-87; 8:45 am]
BILLING CODE 6560-50-C

federal register

Tuesday
January 27, 1987

Part IV

Department of the Treasury
Comptroller of the Currency

Federal Reserve System

Federal Deposit Insurance Corporation

Federal Home Loan Bank Board

National Credit Union Administration

12 CFR Parts 21, 208, 326, 563, 748
Procedures for Monitoring Bank Secrecy Act Compliance: Final Rule

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 21

[Docket No. 87-2]

FEDERAL RESERVE SYSTEM

12 CFR Part 208

[Docket No. R-0594]

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 326

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563

[Docket No. 87-1]

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 748

Procedures for Monitoring Bank Secrecy Act Compliance

AGENCIES: Office of the Comptroller of the Currency, Treasury; Board of Governors of the Federal Reserve System; Federal Deposit Insurance Corporation; Federal Home Loan Bank Board; and National Credit Union Administration.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, and National Credit Union Administration (collectively referred to as the "agencies") are amending their respective regulations to require the financial institutions that they regulate ("regulated institutions") to establish and maintain procedures to assure and monitor compliance with the requirements of subchapter II of chapter 53 of Title 31, United States Code. In its original form, subchapter II was part of Pub. L. 91-508 which requires recordkeeping for and reporting of currency transactions by banks and others and is commonly known as the "Bank Secrecy Act." This action is necessary for the agencies to comply with the requirements of section 1359 of the Anti-Drug Abuse Act of 1986, Pub. L. 99-570. This final rule is effective on January 27, 1987, and is intended to assure that regulated institutions establish and maintain procedures to comply with the requirements of the Bank Secrecy Act. Because the agencies are acting under a three-month statutory deadline, this final rule establishes only those requirements that we consider to be the minimum necessary for any compliance procedure. The agencies, however, are considering whether to establish more detailed compliance procedures in the near future.

DATE: This final rule is effective January 27, 1987.

ADDRESSES: Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20219.

Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552.

National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: Thomas C. Lehmkuhl, National Bank Examiner, Commercial Activities Division, (202) 447-1164 or Yvonne D. McIntire, Attorney, Legislative and Regulatory Analysis Division, (202) 447-1177, Office of the Comptroller of the Currency.

Sara A. Kelsey, Senior Attorney Legal Division, (202) 452-3236, Conrad G. Bahlke, Attorney, Legal Division, (202) 452-3707, or Richard Schriber, Senior Financial Analyst, (202) 452-2733, Division of Bank Supervision and Regulation, Board of Governors of the Federal Reserve System.

R. Eugene Seitz, Review Examiner, Division of Bank Supervision, (202) 898-6793 or Katharine H. Haygood, Senior Attorney, Legal Division (202) 898-3732, Federal Deposit Insurance Corporation.

John Downing, Attorney, Office of Enforcement, (202) 653-2604, C. Dawn Causey, Attorney, Office of Enforcement, (202) 653-2624, or Francis Raue, Policy Analyst, Office of Regulatory Policy, Oversight, and Supervision, (202) 778-2517, Federal Home Loan Bank Board.

Martin Kushner, Examiner, Office of Examination and Insurance, (202) 357-1065 or John K. Ianno, Staff Attorney, Litigation Division, (202) 357-1030, National Credit Union Administration.

SUPPLEMENTARY INFORMATION:

Background

Section 1359 of the Anti-Drug Abuse Act of 1986 ("Act"), contains a number of provisions amending section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), section 5(d) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(d)), section 407 of the National Housing Act (12 U.S.C. 1730) and section 206 of the Federal Credit Union Act (12 U.S.C. 1786). Specifically, these provisions require the agencies to: (1) Prescribe regulations requiring regulated institutions to establish and maintain procedures reasonably designed to assure and monitor compliance with the Bank Secrecy Act; and (2) review such procedures during the course of their examinations. The regulations requiring regulated institutions to establish procedures are to take effect within three months after enactment—by January 27, 1987. The Act also authorizes the agencies to issue civil money penalties and cease and desist orders in the event that a regulated institution fails to establish such procedures or to correct problems with regard to its procedures after an agency has notified the institution that problems exist.

Agency Action

The agencies are issuing this final rule to require regulated institutions to establish and maintain a program designed to assure and monitor compliance with the requirements of the Bank Secrecy Act and the implementing regulations promulgated thereunder by the Department of the Treasury established at 31 CFR Part 103. An institution's compliance program must, at a minimum, consist of a system of internal controls to assure ongoing compliance and provide for independent testing of compliance by the institution's personnel or by an outside party. The institution shall also designate an individual or individuals responsible for coordinating and monitoring day-to-day compliance and provide training for appropriate personnel.

This final rule becomes effective on January 27, 1987. Institutions must have developed and implemented their compliance programs by April 27, 1987. The Department of the Treasury has advised the agencies that institutions should recognize that compliance with the requirements of this rule, standing alone, will not be considered to be a defense in any criminal prosecution or civil action involving a violation of the Bank Secrecy Act or regulations promulgated thereunder.

Reason for Adoption Without Prior Notice and Comment

Immediate adoption of this final rule is necessary to comply with the requirements of section 1359 of the Anti-Drug Abuse Act of 1986, Pub. L. 99-570, which requires the agencies to

promulgate regulations to take effect by January 27, 1987.

Due to the time constraint, we find that application of the notice and public participation provisions of the Administrative Procedure Act (5 U.S.C. 553) to this action would be impracticable and that good cause exists for making this action effective immediately. Since we have had to move so rapidly to implement the requirements of the Act, we have established only those requirements that we consider to be the minimum necessary for any compliance procedure. Consequently, the agencies are considering whether to establish more detailed compliance procedures in the near future.

Regulatory Flexibility Analysis

Because no notice of proposed rulemaking is required under section 553 of the Administrative Procedure Act or any other law, the Regulatory Flexibility Act (5 U.S.C. 601–602) does not apply.

Executive Order 12291

The Office of the Comptroller of the Currency has determined that this final rule is not a "major rule" and, therefore, does not require a regulatory impact analysis.

Paperwork Reduction Act

12 CFR Part 21

Pursuant to the Paperwork Reduction Act of 1980, the recordkeeping requirements of 12 CFR 21.21 were submitted to and approved by the Office of Management and Budget under control number 1557–0180.

12 CFR Part 208

Pursuant to the Paperwork Reduction Act of 1980 and the regulations promulgated thereunder, the recordkeeping requirements of 12 CFR 208.14 have been approved by the Board of Governors of the Federal Reserve System under delegated authority from the Office of Management and Budget and have been assigned control number 7100–0196.

12 CFR Part 326

Pursuant to the Paperwork Reduction Act of 1980, the recordkeeping requirements of 12 CFR Part 326 were submitted to and approved by the Office of Management and Budget under control number 3064–0087.

12 CFR Part 563

Pursuant to the Paperwork Reduction Act of 1980, the recordkeeping requirements of 12 CFR Part 563 were submitted to and approved by the Office of Management and Budget under control number 3068–__.

12 CFR Part 748

Pursuant to the Paperwork Reduction Act of 1980, the recordkeeping requirements of 12 CFR Part 748 were submitted to and approved by the Office of Management and Budget Under control number 3133–0094.

List of Subjects

12 CFR Part 21

National banks, Criminal referrals, Insider abuse, Theft, Embezzlement, Check kiting, Defalcations, Currency, Foreign currency, Reporting and recordkeeping requirements.

12 CFR Part 208

Banks, Banking, Currency, Federal Reserve System, Foreign currency, Reporting and recordkeeping requirements, Securities.

12 CFR Part 326

Banks, Banking, Currency, Federal Deposit Insurance Corporation, Foreign currency, Reporting and recordkeeping requirements, Security measures, State nonmember bank.

12 CFR Part 563

Bank deposit insurance, Investments, Reporting and recordkeeping requirements, Savings and loan associations.

12 CFR Part 748

Report of crime or catastrophic act, Currency, Reporting and recordkeeping requirements.

COMPTROLLER OF THE CURRENCY

Authority and Issuance

For the reasons set forth in the preamble, 12 CFR Part 21 is amended as follows:

1. The authority citation for 12 CFR Part 21 is revised to read as follows:

Authority: 12 U.S.C. *et seq.*, 93a, 1818, as amended, 1881–1884 and 31 U.S.C. 5311 *et seq.*

2. The title of Part 21 is revised to read as follows:

PART 21—MINIMUM SECURITY DEVICES AND PROCEDURES, REPORTS OF CRIMES AND SUSPECTED CRIMES AND BANK SECRECY ACT COMPLIANCE.[1]

3. New Subpart C consisting of § 21.21 is added to read as follows:

Subpart C—Procedures for Monitoring Bank Secrecy Act Compliance

§ 21.21 Bank Secrecy Act compliance.

(a) *Purpose.* This subpart is issued to assure that all national banks establish and maintain procedures reasonably designed to assure and monitor their compliance with the requirements of subchapter II of chapter 53 of title 31, United States Code, and the implementing regulations promulgated thereunder by the Department of Treasury at 31 CFR Part 103.

(b) *Compliance procedures.* On or before April 27, 1987, each bank shall develop and provide for the continued administration of a program reasonably designed to assure and monitor compliance with the recordkeeping and reporting requirements set forth in subchapter II of chapter 53 of title 31, United States Code, and the implementing regulations promulgated thereunder by the Department of Treasury at 31 CFR Part 103. The compliance program shall be reduced to writing, approved by the board of directors and noted in the minutes.

(c) *Contents of compliance program.* The compliance program shall, at a minimum:

(1) Provide for a system of internal controls to assure ongoing compliance;

(2) Provide for independent testing for compliance to be conducted by bank personnel or by an outside party;

(3) Designate an individual or individuals responsible for coordinating and monitoring day-to-day compliance; and

(4) Provide training for appropriate personnel.

(Approved by the Office of Management and Budget under control number 1557–0180)

Dated: December 22, 1986.

Robert L. Clarke,

Comptroller of the Currency.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Authority and Issuance

For the reasons set forth in the preamble, 12 CFR Part 208 is amended as follows:

PART 208—[AMENDED]

1. The authority citation for 12 CFR Part 208 is revised to read as follows:

Authority: 12 U.S.C. 248, 321–338, 486, 1814, 1818, as amended; 3907, 3909, and 31 U.S.C. 5311 *et seq.*, unless otherwise noted.

---

[1] In its original form, subchapter II of chapter 53 of title 31, United States Code was part of Pub. L. 91–508 which requires recordkeeping for and reporting of currency transactions by banks and others and is commonly known as the "Bank Secrecy Act."

2. A new § 208.14 is added to read as follows:

§ 208.14 Procedures for monitoring Bank Secrecy Act compliance.

(a) *Purpose.* This section is issued to assure that all state member banks establish and maintain procedures reasonably designed to assure and monitor their compliance with the provisions of subchapter II of chapter 53 of title 31, United States Code, the Bank Secrecy Act, and the implementing regulations promulgated thereunder by the Department of Treasury at 31 CFR Part 103, requiring recordkeeping and reporting of currency transactions.

(b) *Establishment of compliance program.* On or before April 27, 1987, each bank shall develop and provide for the continued administration of a program reasonably designed to assure and monitor compliance with the recordkeeping and reporting requirements set forth in subchapter II of chapter 53 of title 31, United States Code, the Bank Secrecy Act, and the implementing regulations promulgated thereunder by the Department of Treasury at 31 CFR Part 103. The compliance program shall be reduced to writing, approved by the board of directors, and noted in the minutes.

(c) *Contents of compliance program.* The compliance program shall, at a minimum:

(1) Provide for a system of internal controls to assure ongoing compliance;

(2) Provide for independent testing for compliance to be conducted by bank personnel or by an outside party;

(3) Designate an individual or individuals responsible for coordinating and monitoring day-to-day compliance; and

(4) Provide training for appropriate personnel.

(Approved by the Office of Management and Budget under control No. 7100-0196)

Board of Governors of the Federal Reserve System, January 21, 1987.

James McAfee,

Associate Secretary of the Board.

FEDERAL DEPOSIT INSURANCE CORPORATION

Authority and Issuance

For the reasons set forth in the preamble, 12 CFR Part 326 is amended as follows:

1. The authority citation for 12 CFR Part 326 is revised to read as follows:

Authority: 12 U.S.C. 1819 [Tenth], 1881–1884; 31 U.S.C. 5311 *et seq.*

2. The title of Part 326 is revised to read as follows:

PART 326—MINIMUM SECURITY DEVICES AND PROCEDURES AND BANK SECRECY ACT [1] COMPLIANCE FOR INSURED STATE NONMEMBER BANKS

3. Part 316 is amended by designating §§ 326.0 through 326.7 as Subpart A:

Subpart A—Minimum Security Devices and Procedures

4. The heading of § 326.0 is revised to read as follows:

§ 326.0 Scope of subpart.

5. New Subpart B consisting of § 326.8 is added to read as follows:

Subpart B—Procedures for Monitoring Bank Secrecy Act Compliance

§ 326.8 Bank Secrecy Act compliance.

(a) *Purpose.* This subpart is issued to assure that all insured state nonmember banks establish and maintain procedures reasonably designed to assure and monitor their compliance with the requirements of subchapter II of chapter 53 of title 31, United States Code, and the implementing regulations promulgated thereunder by the Department of Treasury at 31 CFR Part 103.

(b) *Compliance procedures.* On or before April 27, 1987, each bank shall develop and provide for the continued administration of a program reasonably designed to assure and monitor compliance with recordkeeping and reporting requirements set forth in subchapter II of chapter 53 of title 31, United States Code, and the implementing regulations promulgated thereunder by the Department of Treasury at 31 CFR Part 103. The compliance program shall be reduced to writing, approved by the board of directors and noted in the minutes.

(c) *Contents of compliance program.* The compliance program shall, at a minimum:

(1) Provide for a system of internal controls to assure ongoing compliance;

(2) Provide for independent testing for compliance to be conducted by bank personnel or by an outside party;

(3) Designate an individual or individuals responsible for coordinating and monitoring day-to-day compliance; and

(4) Provide training for appropriate personnel.

[1] In its original form, subchapter II of chapter 53 of title 31, United States Code was part of Pub. L. 91–508 which requires recordkeeping for and reporting of currency transactions by banks and others and is commonly known as the "Bank Secrecy Act."

(Approved by the Office of Management and Budget under control number 3064–0087)

By order of the Board of Directors.

Dated at Washington, D.C. this 6th day of January, 1987.

Federal Deposit Insurance Corporation

Hoyle L. Robinson,

Executive Secretary.

FEDERAL HOME LOAN BANK BOARD

The Federal Home Loan Bank Board hereby amends Part 563, Subchapter D, Chapter V, Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATIONS

PART 563—OPERATIONS

1. The authority citation for Part 563 continues to read as follows:

Authority: Sec. 1, 47 Stat. 725, as amended (12 U.S.C. 1421 *et seq.*); sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 256, as amended (12 U.S.C. 1425a); sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended (12 U.S.C. 1425b); sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); sec. 2, 48 Stat. 128, as amended (12 U.S.C. 1462); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); secs. 401–407, 48 Stat. 1255–1260, as amended (12 U.S.C. 1724–1730); sec. 408, 82 Stat. 5, as amended (12 U.S.C. 1730a); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–1948 Comp., p. 1071.

2. Part 563 is amended by adding a new § 563.17–7 to read as follows:

§ 563.17–7 Procedures for monitoring Bank Secrecy Act compliance.

(a) *Purpose.* The purpose of this regulation is to require insured institutions (as defined by § 561.1 of this subchapter) to establish and maintain procedures reasonably designed to assure and monitor compliance with the requirements of subchapter II of chapter 53 of title 31, United States Code, and the implementing regulations promulgated thereunder by the U.S. Department of Treasury, 31 CFR Part 103.

(b) *Compliance procedure.* On or before April 27, 1987, each insured institution shall develop and provide for the continued administration of a program reasonably designed to assure and monitor compliance with the recordkeeping and reporting requirements set forth in subchapter II of chapter 53 of title 31, United States Code, and the implementing regulations promulgated thereunder by the Department of Treasury, 31 CFR Part 103. The compliance program shall be reduced to writing, approved by the insured institution's board of directors,

and reflected in the minutes of the institution.

(c) *Contents of compliance program.* The compliance program shall, at a minimum:

(1) Provide for a system of internal controls to assure ongoing compliance;

(2) Provide for independent testing for compliance to be conducted by an insured institution's in-house personnel or by an outside party;

(3) Designate individual(s) responsible for coordinating and monitoring day-to-day compliance; and

(4) Provide training for appropriate personnel.

By the Federal Home Loan Bank Board

Jeff Sconyers,

Secretary.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 748 is amended as follows:

1. The authority citation for 12 CFR Part 748 is revised to read as follows:

Authority: 12 U.S.C. 1766(a); 12 U.S.C. 1786(q); 31 U.S.C. 5311.

2. The title of Part 748 is revised to read as follows:

PART 748—REPORT OF CRIME OR CATASTROPHIC ACT AND BANK SECRECY ACT COMPLIANCE

3. Part 748 is amended by adding § 748.2 to read as follows:

§ 748.2 Bank Secrecy Act compliance programs and procedures.

(a) *Purpose.* This section is issued to ensure that all federally-insured credit unions establish and maintain procedures reasonably designed to assure and monitor compliance with the requirements of subchapter II of chapter 53 of title 31, United States Code, the Financial Recordkeeping and Reporting of Currency and Foreign Transactions Act, and the implementing regulations promulgated thereunder by the Department of Treasury, 31 CFR Part 103.

(b) *Compliance procedures.* On or before April 27, 1987, each federally-insured credit union shall develop and provide for the continued administration of a program reasonably designed to assure and monitor compliance with recordkeeping and reporting requirements set forth in subchapter II of chapter 53 of title 31, United States Code, the Financial Recordkeeping and Reporting of Currency and Foreign Transactions Act and the implementing regulations promulgated thereunder by the Department of Treasury, 31 CFR Part 103. This program shall be reduced to writing, approved by the board of directors of the institution, and noted in the minutes.

(c) *Contents of compliance program.* Such compliance program shall at a minimum—

(1) Provide for a system of internal controls to assure ongoing compliance;

(2) Provide for independent testing for compliance to be conducted by credit union personnel or outside parties;

(3) Designate an individual responsible for coordinating and monitoring day-to-day compliance; and

(4) Provide training for appropriate personnel.

(Approved by the Office of Management and Budget under control No. 3133-0094.)

By the National Credit Union Administration Board on the 14th day of January 1987.

Rosemary Brady,

Secretary of the Board.

[FR Doc. 87-1731 Filed 1-26-87; 8:45 am]

BILLING CODE 4810-33-M; 6210-01-M; 6714-01-M; 6720-01-M; 7535-01-M

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